

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Thursday, February 23, 2017 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Guests: Chris Danley, ALTA Planning, Jon Thomson, City Council, Dave Sanders, C. Kelly Pearce, Les Bocek, Joan Bocek, George Linford, City Council and Mark Lowe, Lava Foundation Director.

Meeting was called to order by Neil Anderson, Commission Chair, at 6:30 pm.

### **Lava Hot Springs Activity Plan Work Session with City Council, Community Leaders and Citizens**

Chris Danley, ALTA Planning, Boise, Idaho, expressed his appreciation for the fantastic turnout and community involvement. The activity plan is funded by the State Department of Health & Welfare. This year is that last year that the department is funding the project. Chris briefly reviewed the activity plan draft document. A lot of activity planning has been done in Lava already. The plan draft is done in a way to add to the work in progress. The trail network in the plan is going to be a challenge to accomplish and will entail multi-agencies working together to make it happen. Goals take time to accomplish. Lava has opportunities to grow with the plan. An auxiliary parking lot on the outskirts of city limits may be beneficial to the community where guests can park and bicycle or walk back and forth from. Botchy courts are gaining popularity and of interest to the elderly population. Table tops with chess games throughout the community, or a full size Chutes and Ladders game were some ideas mentioned. Benches, water fountains and activities to make the history of the community come alive were conveyed. Modern technology is a way to bring the history to life through signage and view finders. The state land is the biggest opportunity to work cooperative on activity ideas. Adding bicycle parking was mentioned. A tubing hill and magic carpet were some ideas for winter activities. Summer activity idea was a modified zip line series. Lava has an opportunity to have an offering that is very unique. A mountain bike terrain park tied back with bike rentals and a sharing bicycle program. Motels could get on board and provide bicycles for their guests. The town footprint is small. People shouldn't feel that they have to drive from one location to another and take up parking as opposed to I can walk it or take a bike. Downtown could become different a

much safer environment; vibrant as far as physical activity because of the presence of the people walking and/or bicycling which should help solve some of the downtown parking problems. The Elementary School does not have a lot of available space. A walking path around the perimeter of the soccer field is an easy activity for students and local residents. The location is away from town and provides a peaceful place where the immersion of nature is an important part of people's lives and declares the love for nature along with the city's recognition as a Tree City USA. Mini soccer fields and outdoor exercise equipment are other potential opportunities for the school area. High visibility pedestrian crosswalks are a necessary infrastructure. The Lion's Park area is a phenomenal place. Activities for the Lion's Park could be the mnemonic crank devices that tell the story; let nature do the singing for you (history of the area and possibly wildlife sounds). The area is perfect for events, parties, weddings, small concerts, BBQ competitions. 5K runs are opportunities and 5K runs. There is a concrete stairway along the walking path now. Chris made a note of the existing stairs and said that he was going to see if there is a way to include something about the stairs into the plan. Discussion followed regarding the Centennial Trail. The trail goes to the top of the "L" Mountain. There is not a lot of sites in the plan but there is a lot of acreage for great opportunities. Floor was opened for questions. Les Bocek reported on the Lion Club's efforts to develop a trail along Dempsey Creek Road. Long range vision goals are important. Mark Lowe mentioned that a long range vision should be to develop a trail out Blaser Highway and incorporate in Fish and Game's property (Sportsman Access) along the Portneuf River. It is a pristine phenomenal area. There is a county right-of-way leading to it. The trail could even extend up to BLM ground at Petticoat Peak. Lava has potential to have a trail system similar to what is available in the Sun Valley area. The activity plan is a document. It is not a directive. It is a list of goals for future development. It is developed to grow ideas. There is as much thought into it as, the public street structure and individual sites, to make sure people can safely get to and from the enhanced areas. Kelly Pearce questioned availability of federal and state funding through ITD for recreational activities. Chris Danley explained that the federal transportation bill has an option to opt in or opt out to fund dedicated trail systems; Idaho opted to stay in. There is a pot of money available for recreational activity projects. The funding is very competitive. It was questioned if Lava has planned for the funding. The City needs a master plan to apply for funding. The activity plan can be used as Lava's master plan. Canda Dimick, City Clerk asked if the Fish & Game trail could still be added to the proposed trail system in the plan. Chris confirmed that a trail segment could be added. Chris is going to send an electronic document that the City can edit in the future from time to time. Canda Dimick, City Clerk reported that there has been some city official interests in developing a one way Main Street to expand downtown parking availability and asked Chris to express his opinion on one way streets. Chris reported that the National prevailing sentiment is that they are largely a tool of yester year, at one time they were thought to be a solution. The problem with one way streets is they tend to do detrimental things that people don't always think about; 1) they incur speed, because traffic is going the same direction motorists go faster and faster posing more dangers and hazards to pedestrian traffic; 2) They can hurt economically, traffic goes by, they don't stop.

Neil Anderson expressed concerns with the hills. Alleys aren't sufficient right-of-ways to divert main traffic through. The City of Boise is currently diverting a number of their one way streets back to two ways. The one way street thinking is definitely going by the way side. The tubing traffic downtown is part of the problem. The City of Pocatello's old town is a perfect example of what happens when streets are one way. The City of Hailey has implemented a bicycle sharing program. A lot of hotels in Idaho Falls are offering bicycles to their guests. A bicycling program wouldn't be an ultimate solution but it would help combat some of the traffic issues and the city would get the benefits of less wear and tear on the streets.

### **Approval of Minutes:**

City Clerk reported to the commission that the recording for the January 5<sup>th</sup>, 2017 meeting did not record and that she needs to get with commission members to complete the minutes. No minutes were presented.

### **Zoning Ordinance Work Session:**

Vicky Lyon explained to guests that the Commission is working on updating the city's zoning ordinance and that the commission is currently working on definitions and comparing them to several other communities zoning ordinance definitions. City Clerk questioned if the commission had any concerns or clarifications regarding changes made at the last meeting. Rickey Frandsen questioned the definition for steep slopes, is the grade 3%, 8% or 15%. The original definition grade was 8%. The grade of South Center Street was questioned. Vicky Lyon felt that 10% and 15% is dangerous. The definition for hillside development in the city's subdivision ordinance was reviewed. There are conflicts between the different percentages between the city's subdivision ordinance and zoning ordinance. Under the city's subdivision ordinance, a hillside development is considered as any development on a slope greater than 3%. The notes highlighted in the steep slope definition means that the percentage of the slope still needs to be discussed and determined. In prior discussions, the commission felt like the city engineer needs to review the percentages and wording of the definition before changing the percentage. Commission still desires an engineer's opinion. Rickey Frandsen questioned why survey monuments were crossed out of the list of requirements for a site plan. Rickey Frandsen feels that survey monuments should be left on the list of requirements. Commission agreed to leave survey monuments on the list. Rickey also questioned the intent of the road way width definition changed to right-of-way width definition. Road way was just replaced with the wording of right-of-way. The right-of-way would also include easements. Rickey questioned if there was a need to describe how to measure the width of a road. The wording for the right-of-way width definition was pulled from Park City's ordinance. Rickey Frandsen questioned if there was a need for a road way width definition and right-of-way width definition. The reason the commission went with a right-of-way definition is because several of the street surfaces are

not developed to their full platted width. Rickey questioned if there is any ordinance that spells out the width requirements of roads. Road width requirements are provided for in the subdivision ordinance. Widths of the streets are also designated on the recorded subdivision plat. Rickey felt that it wouldn't hurt to leave the existing road way width description in the ordinance. There is a provision in the current ordinance that provides for access roads to be twelve feet wide. Some discussion on paved access roads on private property followed. The commission reviewed the definition of floor area. The City Council has asked that the commission address off-street parking requirements for commercial seasonal outdoor uses. The commission still needs to work on a floor area definition for residential uses and commercial uses. The off-street parking requirements for outdoor seasonal commercial uses should be lesser. The outdoor seating areas at restaurants and bars are becoming popular. According to the provisions in the current ordinance, the area would have to be measured. Total area divided by fifteen and then timed by 10% to determine the number of off-street parking spaces required. Commission figured seating capacity for some existing areas to get a feel on the number of off-street parking required based on the terms of the ordinance. It was mentioned that weather conditions limit outdoor seating availability. The areas are not utilized during winter months. Vicky Lyon reported that most people are walking to the restaurants, not driving. The restaurants, for the most part, are not a destination, and are an available captive audience. Restaurant guests do not park for long periods of time. Calculating off-street parking for outdoor areas at 3% instead of 10% was suggested. Parking availability in the downtown area is a problem. The city is going to have to purchase property in the future and build a parking garage to alleviate the problem. The parking problem stymies every new business that tries to come in. Vicky Lyon commented that it is expensive to do business in town already and that it is almost cost prohibitive. Several businesses have looked at the Lava Arcade building but parking has always been an issue. A parking garage could be incorporated with a bicycle rental program. Possible vacant lot locations for off-street parking development were discussed. Comment was made that all commercial businesses selling food should be required to provide public restroom facilities for their patrons. Discussion followed regarding water service fees based on meter size and usage. The cost for city water utilities is reasonable. The City has addressed the restroom situation by providing a public restroom facility downtown. New businesses that have opened immediately close their restrooms. Enacting a city ordinance requiring businesses to provide restroom facilities, especially food and drink establishments was emphasized. Employees and guests need a facility where they can wash their hands. No decision on the percentage was made. Commission will give it more thought. Definition for structure was reviewed, no change made. The definition for sub-divider was not changed. The subdivision definition in the zoning ordinance was compared to the one in the city's subdivision ordinance. It was questioned why the subdivision definition does not include a bona-fide division or portion of agricultural land for agricultural purposes or land developed for bona-fide commercial, manufacturing, or for industrial purposes, all as defined herein. The commission agreed to reword the definition for subdivision in the zoning ordinance to read identical to the one in the subdivision ordinance with

the addition of the inclusions already listed in the ordinance. There were no questions or changes made to the definition of surveyor. Including a substantial damage definition was discussed. Insurance companies are involved in any substantial damage situation. The city's involvement and concern would be with the repair or rebuild process. Vicky Lyon supported including a substantial damage definition so that the city has teeth to force damaged properties to be repaired or rebuilt rather than boarded up and abandoned. Commission agreed to define substantial damage as damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Including a definition for substantial improvement was also discussed. The commission felt that if a definition for substantial damage is included then a definition for substantial improvement is appropriate to address how improvements have to be finished. Building permits expire after 180 days if the building or work authorized by the permit is not commenced; extensions can be granted. Commission agreed to define substantial improvement to include the following: A) As any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure over a three (3) year time frame either: 1) before the improvement or repair is started; or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; B) The term does not, however, include either: 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or 2) any alteration of a structure listed on the national register of historic places or the Idaho historic sites inventory. Defining stream alteration was considered. All regulations pertaining to stream channel alterations are handled by Army Corp, Idaho Water Resources and FEMA. A support structure definition was considered. Commission felt like it had already been addressed with the radio tower and antenna definitions. Defining swimming pool was discussed. There is one private indoor pool in a house in Lava now. No definition for swimming pool was included. A definition for tandem parking was read but not included. The definition for tavern or lounge was reviewed, no change made. A definition for temporary event was compared to wording in the city's special event use definition. Commission discussed establishing a time limit on special uses and changing definition title to temporary. A temporary improvement is a structure built or installed and maintained during construction of a development or during a special event or activity and then removed prior to the release of the performance guarantee. It was questioned if the city requires a guarantee, like a \$500 deposit, to cover costs to clean up after the event. The special event permit does not require a deposit. It does provide for a garbage plan, public restroom plan, etc.. Vicky Lyon expressed that she feels that the city should charge a monetary amount for a deposit to cover clean up fees. The city's special event permit form is still in the draft stage. The special event organization is in charge of ordering the garbage containers and

paying for the service. Commission agreed to include the city's definition for special event into the ordinance as written and not establish a time limit. Several definitions relating to timeshares were mentioned. The City's temporary use definition was read. City ordinance permits one onsite temporary mobile home unit for two years while a house is being constructed. Ordinance provisions regulating temporary vendors were questioned. The City requires temporary vendor's to be licensed. Temporary use definition was not changed. Commission discussed defining timeshare. Timeshare are condominium developments. Ordinance provisions regulating condominium developments were read. Timeshare could be a townhouse, a cabin or even a house. Timeshare developments need to operate in a commercial/high density area. How a timeshare operation functions was questioned and explained. A timeshare is association owned. A timeshare is not a single family dwelling. The commission felt like a definition for timeshare needed to be in the ordinance because it is inevitable to expand. The status of the new 8 nightly rental unit development project was questioned. City Clerk reported that there is some discrepancies regarding property lines and that the property owner has hired a surveyor. Timeshare occupancy was defined as a facility comprised of two (2) or more units in which the exclusive right of use, possession, or occupancy of dwelling units circulates among the various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis. Definition of tourist home was not changed. There was a brief discussion on defining townhouse. Due to the time, the Commission agreed to start with discussion regarding townhouses at the next meeting.

#### **Other Business:**

There was no other business addressed.

#### **Schedule Next Work Session/Meeting**

Motion was made by Fred Hinz, Commission Member, and seconded by Rickey Frandsen, Commission Member, scheduling the next work session/meeting for Thursday, March 2, 2017 at 5:30 pm and the next regular meeting will be Thursday, March 23, 2017 at 6:30 pm. Vicky Lyon mentioned that she is not able to attend meetings that commence at 5:30 pm due to work. All voted aye, unanimous.

#### **Adjournment:**

Motion was made by Fred Hinz, Commission Member, and seconded by Rickey Frandsen, Commission Member, to adjourn. All voted aye, unanimous. Meeting adjourned at 8:32 pm.

Transcribed by:

Signed:

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Canda Dimick, City Clerk

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Neil Anderson, Commission Chair