

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Monday, January 28, 2019 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
Lisa M. Toly, Commission Member
Canda L. Dimick, City Clerk

Excused:

Guests: Julie Hill

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

Approval of Minutes:

There were no minutes to be approved due to problems with the printer.

Parcel/Lot Split – Lots 1-2-3-4, Vacate Portion of 5th Street, Block 12, A.W. Hall's 3rd Addition – Geoffrey B. Williams, Owner/Applicant; Julie Hill, Real Estate Agent

Julie Hill, Realtor, reported that the owners are putting the lots up for sale and they would like the option to sell the lots into two parcels instead of one. The lots are currently all grouped together into one parcel. Julie stated that according to city ordinance there is adequate space to divide the parcel. The owners would like to separate Lots 1 & 2 and the vacated portion sold as one parcel and Lots 3 & 4 sold as another parcel. Julie presented a map highlighting the two separate parcels. The property owner's first choice is to sell it as one parcel but they would like the opportunity to market it both ways and not actually apply to have it separated with the county until they have an offer to separate the parcel. The property owners have already had a survey done. Julie stated that the property owners are aware that they can't build upon the vacated street that they can only use the vacated area as open space. Lisa Toly, Commission Member, questioned the seventy-five hundred square feet area requirement in the ordinance for corner lots and if the vacated portion counts towards the seventy-five hundred square feet requirement. The street has been vacated. It was not believed that the lots would continue to be considered a corner lot. Filing fees and process to split a parcel was questioned. The City does not charge for any filing fee. The City will have to provide Bannock County with a letter authorizing the split. All structures built on the property will have to meet setbacks. Julie Hill explained that they

have looked at plans to try and be proactive to show interested buyers what they can do. One option is a step down two level residential single family dwelling and possibly accessing one of the lots from the alley side. It was explained that alley accesses are permissible for secondary accesses but the owners need to realize that they are not regularly maintained and are not a priority route for snow removal. Access from 5th Street across that alley would be very difficult to maintain in the winter. The City has some difficulty maintaining the dead end portion of 5th Street now due to the steep grade. It would be best if garages/off-street parking areas were accessed from West Booth Street. Lisa Toly, Commission Member, suggested requiring the property owners to supply the City with a written document addressing their desire to split the parcel. Julie Hill, Realtor, stated that she has a listing agreement with the owners to list the property three different ways; one whole parcel, Lots 1 & 2 with the vacated portion as a parcel and Lots 3 & 4 as another parcel. Commission members agreed that the City needs a document for the parcel split from the property owner on file. Julie will have the owners draft a document and submit it to City Hall. Motion was made by Lisa Toly and seconded by Curtis Waisath recommending approval of the parcel split as presented with the contingency that written document is submitted to City Hall. All voted aye, unanimous.

Zoning Ordinance Draft:

City Clerk reported to commission members that the mayor and city council met and reviewed the first ten pages and had some assignments for the commission to work on. City Clerk mentioned that there were some spelling and punctuation corrections made. Mayor and City Council have asked that the commission provide some specifics to the affordable housing definition (i.e. detailing government guidelines). The mayor and city council felt that the definitions for building height and finished grade were conflicting and need to be correlated. City Clerk will remove the work session notes that should have been taken out of the final draft. Under the concession stand definition, mayor and city council added portable trailers. Revised definition for concession stands reads as follows: A building, structure, vehicle, portable trailer or tent, having less than three hundred (300) square feet of area that is used for the sale of food, beverages, and/or souvenirs on a temporary basis. Mayor and City Council feel that there is a need for a demolition definition. Legal advice in the past did not express a need. Pulling the definition from the dictionary was suggested. Lisa Toly expressed a possible need for demolition and reclamation definitions. Property owners may remove material to reclaim a structure but not actually be demoing it totally. City Clerk reported that on two of the last building permits; 78 Main Street Eatery and Riverside Inn/Portneuf Grill, walls were removed and kitchens were remodeled. On the building permits applicants applied for both demolition and remodel. The purpose of a demolition permit is to certify that the material being removed is disposed of property at an approved landfill site. The applicant is supposed to provide documents to be filed with the demolition permit that certifies that the material was disposed of at a landfill. The goggle definition for demolish is to knock down, raze to the ground, level or

reduce to ruins. Discussion followed regarding the difference between a renovation and a remodel. The health and safety concerns with demolitions are asbestos and lead paint. The City's building permit application form has demo and building permit options for applicants to select. The Idaho Division of Building Safety has recommended that the city have two separate permit application forms. Lisa Toly reported that there is a new law that will come in effect soon requiring that any lead paint found has to be remediated. Enforcement of the asbestos and lead paint requirements was questioned. The applicant is required to comply with the law. Enforcement could possibly be passed onto the city in the future. Commission talked about including separate definitions for remodeling, renovate, reclamation and demolition. Mayor and City Council revised the title to the definition for Drive-In Establishment to include Drive-Through. Mayor and City Council felt that motor vehicle and accessory structure needed to be added to the list of structures that are not considered dwellings. The definition for Dwelling was changed to read as follows: Any building or portion thereof designed or used as the principal residence or sleeping place of one or more persons or families, but not including a tent, a recreational vehicle/motor home/motor vehicle, hotel, motel, hospital, assisted living facility, nursing home, or accessory structure. The City Council has scheduled another meeting in February to continue their review.

Building Code Ordinance:

No work was done on the ordinance due to printer issues. Neil Anderson asked if legislature was taking action this year to adopt the 2018 International Codes. No one had heard anything. The changes from 2015 to the 2018 codes were questioned. No one had made a comparison. The Idaho Division of Building Safety has encouraged cities to adopt the code identical to the State's adopted version to simplify enforcement. Each jurisdiction has to establish and adopt snow loads, wind loads, foundation footing depths, ect. for its own jurisdiction. A lot of the proposed changes that the commission have been researching and proposing are not adopted by the State.

Other Business:

The State and City's position on nightly rental Air B & B's/Vacation Homes were discussed. When City Hall receives a call inquiring about the status, they are told that they are permitted in the commercial zone and that they are not permitted in residential zones. The legislature has not taken any action to change the law. The building inspector has informed City staff that if property owners are living in the residence and renting out a room that the use does not require a fire suppression system. The Code has different classification based on use and each use has different fire codes. It was mentioned that properties are being marketed with the nightly rental idea. Packets include a copy of the ordinance with a statement that the property owner can take it to court, that property owners are already doing it and they are just waiting it out are being disseminated. The City has been monitoring for nightly rentals. There are currently two problem areas but they are within the commercial zone. From an emergency stand point, regulating capacity is important. Marketing properties for nightly rentals that do not meet fire

codes is a public safety issue. The City monitors the websites and notifies owners who are listing their residential homes as a nightly rental that it is not a permitted use and they have willingly pulled the listing off of the site(s). All of the different websites have intensified the task. City Clerk reported that one of the big issues with the online rental sites is collecting the local option tax. It was suggested that the property owner should be held responsible to pay the taxes.

Schedule Next Meeting

Motion was made by Curtis Waisath and seconded by Lisa Toly scheduling the next regular meeting for February 25, 2019. All voted aye, unanimous.

Adjournment:

Motion was made by Fred Hinz, Commission Member, and seconded by Curtis Waisath, Commission Member, to adjourn. All voted aye, unanimous. Meeting adjourned at 7:10 pm.

Transcribed by:

Signed:

Canda Dimick, City Clerk

Neil Anderson, Commission Chair