

Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Thursday, March 2, 2017 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Neil Anderson, Commission Chair
Fred Hinz, Commission Member
Rickey Frandsen, Commission Member
George Linford, City Council
Canda L. Dimick, City Clerk

Excused: Curtis Waisath, Commission Member
Vicky Lyon, Commission Member

Guests: None.

Meeting was called to order by Neil Anderson, Commission Chair, at 5:30 pm.

Approval of Minutes:

City Clerk reported that she is still working on minutes. No minutes were approved.

Zoning Ordinance Work Session:

Rickey Frandsen proposed a spelling correction to the substantial improvement definition under provision 2) If the structure has been damaged and was 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. Commission agreed that the word wall needed to read as wall. Clarity of provision A) under the substantial improvement definition regarding the method establishing the value of the improvement was questioned. The definition for substantial improvement was pulled from the City of Ketchum’s and City of Sun Valley’s ordinances. The revised provision read as follows: A. 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. A considerable amount of discussion and explanations followed. The commission agreed to change the word is to was in provision A. 2. The commission agreed that the revised definition for substantial improvement will read as follows: A. 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 was

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. Defining Townhouse was discussed. City clerk provided a definition for a Townhouse that she pulled from the International Residential Code. The City of Ketchum’s definition for a townhouse development and the City of Sun Valley’s definition for a townhouse were read and considered. The difference between a townhouse and condo was questioned and explained. Townhouses are units that have an adjoining party wall that extends from the basement floor to the roof with no unit over another. It is common to see condo units above one another. Townhouse units have individual tied sub-lot and condos have common ground areas. Allowing PUD townhouse developments in residential zones and limiting the number of conjoined units similar to apartment complex limitations for the perspective zone and requiring them to be owner occupied was discussed. Townhouses have an owners association formed to take care of the outside of the structure and each individual owner takes care of the interior. The commission agreed that a townhouse should be owned and can’t be a nightly rental. (Note: It was noted that batteries on digital recorder needed to be replaced. Some discussion at this time was not recorded.) The Commission agreed to define Townhouse as dwelling units erected generally in a row, each unit being separated from the adjoining unit or units by a party wall or walls, extending from the basement floor to the roof along the dividing townhouse subplot line. Each unit having its own access to the outside, and no unit located over another unit in part or in whole. The Commission agreed to define Tract as land that has not been subdivided. The Commission agreed to define Trail as a way designed for and used by equestrians, pedestrians, cyclists, and other nonmotorized conveyances. A need to define Transportation Services was discussed. The Commission discussed the current construction of the East Main Pedestrian Bridge. Utilizing the hot water from Chicken Soup Springs to keep the bridge surface free of snow and ice during winter months was also discussed. The Commission defined Transportation Services as a business involving transit operations, taxis, shuttle services, rental cars, or similar transit related services. A definition for unbroken façade was read and determined that it is more of an architectural concern and not necessary to define. Defining uniformity ratio, unit equivalent and use intensity was briefly mentioned, but no action taken. A definition for underground parking was read. Due to subsurface hot water in the commercial downtown area and lava rock the feeling was that parking will likely be above ground then underground. The Commission felt that as long as criteria met the definition of a parking garage it shouldn’t matter if it is underground or above ground. The city’s definition for undue hardship was read, an example of a hardship explained and no change made. The city’s definitions for urban services and use existing were not changed. A definition for up lighting was read. The Commission felt that definitions already in place regarding sky pollution are sufficient. Existing definitions for vacation rental and variance were all reviewed, no changes made. Defining vegetation was considered and determined that it was already covered under the landscaping definition. A definition for vent was read and is regulated under building construction code. Defining a veterinary service establishment was considered. Commission agreed to list Veterinary in the definition but to refer it to (see animal clinic). A definition for vehicle control gate was mentioned but not defined. The city’s definition for vicinity map was discussed. Commission agreed to strike vicinity map definition from the ordinance as it is covered under the city’s subdivision ordinance. The definition in the ordinance for site plan was reviewed. Commission agreed to strike the wording under the definition for vicinity plan and reference to see site plan.

A definition for visibility was read and considered. After reading the definition, the commission did not feel that a definition was necessary. A definition for warehouse was read. Warehouses are an industrial use and Lava has no industrial zone. A definition for waterway was read. Waterways are covered under the riparian area definition. Defining wholesale, wholesaler and wholesale establishment were mentioned. Wholesale businesses are a retail business. A wetland significant definition was read and felt it was already covered under the riparian area definition. Definitions for wildlife or wildlife interface zone were read. Bannock County has designated wildlife interface areas. Commission felt that a wild interface zone is more suitable for the surrounding county area. Wind energy systems have been discouraged within city limits because of the noise. Solar alternative energy is defined in the ordinance. Defining width of lot is covered under lot width. Defining wireless communication facility was supported. The Commission agreed to define Wireless Communication Facility (WCF) as a facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, equipment buildings, shelters, cabinets, parking area, and other accessory development. The existing definitions for yard, yard front, yard rear and yard side were all reviewed and not changed. Adding a yard illustration was mentioned. Commission felt that there is no necessity for an illustration. Definition for zone height, zoning district and zoning map were mentioned but not included. The existing definition for zoning administrator was read. The definition for Zoning Administrator needs to be changed to document that the Planning & Zoning Commission is appointed by the City Council to make recommendations to the City Council for final decisions. City Clerk will see if wording for the Zoning Administrator definition can be pulled from the Planning and Zoning Commission creation ordinance. Definition for zone height was read; already covered under other provisions. Definitions for zone district and map were read. Commission agreed that the zone district and map are already covered under the city's zoning ordinance definition. Defining Xeriscaping was discussed. Xeriscaping is a landscaping method developed to conserve water. The City of Pocatello has an incentive program to encourage xeriscaping. The Commission chose not to define xeriscaping at this time and that if an incentive program is developed in the future to establish a definition at that time. Section 1 under general provisions for city divided into zones was reviewed. An explanation of a Zero Lot Line was questioned and explained as development that is built right up to property line with no setbacks. Providing for a low density R-1 zone was discussed. The City has a R-2 medium (density) zone and a R-3 multi-family zone but no R-1 zone. A R-1 zone is a residential single family low density zone. The City's R-2 permits up to a four plex and the R-3 permits up to a six plex. Differences between R-1, R-2 and R-3 zones were researched. The purpose of the R-2 zone is to provide medium density residential development, well designed and properly located in the community pattern adjacent to shopping, recreation, cultural and other community facilities. A R-1 density zone is strictly single family residences. The R-2 zone permits a two family and multi-family dwelling limited to not more than four (4) units. The purpose of the R-3 (multi-family residential) zone is to provide for medium to high density residential development. This type of zoning pattern is intended to create transition area and buffer zones between commercial areas and low density residential development. It is also intended to permit high density activities adjacent to more intense+ve community use areas. Lava's R-3 Zone runs along both sides of South 4th Street and around the block where The Greystone Manor is located. The Commission was interested in creating a

R-1 Residential (Low Density) zone and listing it for single family dwellings only with some home occupations. The R-1 zone may never be used but it will be in the ordinance for future single family developments. City Clerk reported that there have been comments made to combine the commercial zones (C-1 and C-2). She explained that combining the zones is no longer feasible because an area along the Portneuf River where the A-frame is located off of West Portneuf Street has been zoned C-1 because the property has a deed restriction that does not allow for a travel-trailer park. According to the zoning map the main street area is zoned commercial. City Clerk explained that staff informs inquiries that call with commercial zone questions to review the C-1/C-2 zones, that both apply. The Main Street commercial zone area needs to reference one specific zone. The C-2 zone lists that those uses allowed in the C-1 District are permitted uses. The Commission was asked to look at the commercial zones to determine which commercial zone that should be assigned to Main Street. The City Clerk will include provisions for a R-1 Zone for review at next meeting. The zoning map has recently been updated. The commission does not anticipate changing any zones. Regulations Section 3 was reviewed. Establishing a section specifically for vacation rental regulations where the visible sign requirement is listed was discussed. Vacation rentals will be listed as a permitted use in the C-1 and C-2 zones. The city's business license ordinance requires that all vacation rentals be licensed. The business license regulation could be left in the zoning ordinance but probably not necessary because it is covered under the business license ordinance. Provisions for the vacation rental off-street parking requirements will be moved to the off-street parking section of the ordinance. The no campers, motor homes, tents, or other forms of camping will not be allowed on premises will be left in the vacation rental regulation section. The Commission agreed to strike the grandfather regulation stating that all vacation rentals operating in a commercial zone will have one calendar year from the effective date ordinance to bring the property in compliance with the restrictions before a business license will be renewed for the following calendar year because the right has expired. Vacation rentals are not a permitted use in any of the residential zones. Bed and Breakfast Regulations will also be a separate section. Bed and Breakfast establishments are a permitted use in the C-1, C-2 and R-3 Zones. A bed and breakfast must be licensed and the owner's name residing on site must be specified on the business license application. It was understood that the owner or manager of a bed and breakfast must be on site when guests are present. The definition for a bed and breakfast was read. The definition states that the bed and breakfast dwelling is owner or manager occupied. Requiring that an owner or manager be on site when guests are present was discussed. A lot of the motels do not have a manager or owner on site twenty-four seven any more. It was questioned if any other special regulation sections were needed and the commission did not have any at this time. The Boundaries Section was reviewed. Item f. under boundaries section was changed to read where other uncertainties exist, the Planning and Zoning Commission shall interpret the map and make recommendation to City Council. Final decision will be made by City Council. The conformity and general intent section of the ordinance was read. No changes made.

Other Business (Pancake House/Snow Cone Shack):

City Clerk reported to the Commission that the owners of the old Pancake House have expressed an interest in placing a snow cone shack on the parking lot. The measurements of the structure were completed and there was one space available for the snow cone shack. The Commission felt that if the owners are not opening the Pancake House that the use should be OK, but it may

have to be moved at a later date. The Pancake House parking lot has 14 designated spaces. The minimum requirement for the Pancake House according to the available public floor space since the remodel is 13 spaces. The owners reported that they will not be opening a business in the structure this year. A lot of the floor space in the structure has been converted to prep and kitchen area, not available to the public. The owners have also expressed an interest in temporarily operating a farmer's market on the parking lot this summer but no business application has been submitted to date.

Other Business (DLR Enterprises – Hill Side Suites):

City Clerk provided an update to the Commission regarding DLR Enterprises, 8 unit hillside nightly rental suites. DLR understood that the length of the lots are 120'. City Clerk reported that she has informed them that according to plat maps the length of all lots are 110'. Because of the measurement discrepancy, the owners have had to make some adjustments to the site plan and the number of off-street parking spaces have been reduced to 8. There will be one off-street parking space for each unit. They will not have the two extra off-street parking spaces as originally planned. A revised site plan is supposed to be submitted this week.

Schedule Next Work Session/Meeting

ext meeting will be the regular meeting scheduled for March 23, 2017 at 6:30 pm, Lava City Hall.

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 7:23 pm.

Transcribed by:

Signed:

Canda Dimick, City Clerk

Neil Anderson, Commission Chair