Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Monday, March 25, 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
Lisa M. Toly, Commission Member
Canda L. Dimick, City Clerk

Excused: Vicky Lyon, Commission Member

Guests: Randy Benglan and Megan Reno.

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

Approval of Minutes:

Motion was made by Fred Hinz, Commission member and seconded by Curtis Waisath, Commission member accepting the minutes as written. All voted aye, unanimous.

Garage Variance – Diane Beckstead

Canda Dimick, City Clerk, informed the commission that she is working with Diane Beckstead on a variance application for an attached single car garage to her home at 163 South 5th West. The proposed garage will encroach into a side yard setback two (2) to three (3) feet with an eave extension. A public hearing will be required and notices will have to be sent out to neighboring property owners. Public hearing will be scheduled in the near future.

Residential Development – Lots 11-20, Block 13, W.J. Fife’s Addition – Randy Benglan

Randy Benglan presented a map of the ten platted lots that he has under contract. Randy questioned the city’s requirements for utility connections and access from the adjoining city alley for primary residences. The closest city sewer and water mains are in Merle Street. The developer will have to get approval from the city to install utilities. The access is not a paved road. Randy wishes to develop the alley into a primary access to the lots. The lots are zoned R-2. Randy’s plans are to develop single family dwellings on the lots in accordance with area requirements. Using the alley as a primary residence is a concern for snow removal. Alleys are not regularly plowed. Randy has contacted an engineering firm in Pocatello and they are working on the utility plan that will be submitted to the City for approval. Randy stated that he
needs permission from the city to access the lots from the alley unless it is already allowed and to negotiate moving the alley from the secondary snow removal list to the primary list. It was mentioned that if no one is living in the dwellings year around that there is no need in making the access a priority. Developing the road south of the property was questioned if it would be cost prohibitive. Randy explained that the road width south is no wider than the alley so the access might as well be developed through the alley. The roads are developed with gravel surfaces. Alleys are twenty (20) feet wide. North and South streets are platted fifty (50) feet wide and streets running East and West are fifty-five (55) feet wide. The alley is already developed and neighboring property owners are using it. The alley would be too narrow for any street parking. Off street parking would have to be developed on private property. The lots are in a good location with nice views. Residential lots need to be developed to try and keep the elementary school in Lava. The number of housing sites was questioned. Randy reported that he is not sure on the number of residential sites; according to the area requirement five (5), single family dwellings could be built. Randy is going to have an architect do a site plan. Lisa Toly, Commission Member, the property owner deed some of their property to widen the alley into a street to develop some street parking. Randy done some calculations and stated that there would be room to widen the alley as suggested and still meet the area requirement. Randy will revisit with his engineer regarding the commission’s input. Randy was asked to bring the engineered site plan back to Planning & Zoning for review. Randy mentioned that he probably will build one of the homes and that he has been visiting with clients and family members and that there may be interest for two (2) others. Everything depends upon the engineer’s report and costs. Randy thanked the commission members for their time and reported that he will be back.

Zoning Ordinance Draft:

City Clerk reported that no changes have been made to the draft since the last time that the commission met. The City Council has been reviewing the definitions. The note on page three (3) references the need to amend the Planned Unit Development ordinance so that the ordinances are not in conflict with each other when the zoning ordinance is adopted. Mayor and City Council has asked the Commission to amend the affordable housing definition to include specifics (i.e. government guidelines). Affordable housing is housing for qualified low to moderate income individuals/families. Southeastern Idaho Community Action Agency (SEICAA) in Pocatello works with low income individual/families on housing needs. The low to moderate income brackets for Bannock County for qualified applicants were reviewed. Types of affordable housing structures were discussed. If a residential structure meets HUD, they have to be allowed in all zones where residential uses are permitted. Time was taken to compare Lava’s affordable housing definition to the other city’s zoning ordinances definitions that the commission have been gleaming information from. The need for an affordable housing definition was questioned. Trailer parks are zoned to specific areas and the zoned use for single-family dwellings provides that it must be built and constructed according to HUD/FHA construction and safety standards. The definition for a dwelling was reviewed. The Commission agreed to revise the definition for affordable housing to read as follows: Affordable Housing. Dwelling units for rent or for sale in a price range affordable to families in low to moderate
income range as specified under United States Department of Housing and Urban Development (HUD) guidelines. The definition was referred to HUD guidelines so that the ordinance would not have to be amended if guidelines change. Megan Reno mentioned that individuals can meet HUD guidelines without the structure being real property. Mobile homes and some manufactured homes that have not been converted to real property can meet HUD guidelines. HUD requires manufactured homes to be built on a permanent chassis. The commission agreed to forward the definition to council for consideration as revised. The commission reviewed Mayor and Council’s concern regarding the building height definition and need to correlate it with the finished grade definition. It was felt that the two definitions were conflicting. The definition for building height reads as the vertical distance, from the average finished grade service at the foundation to the highest point of the building roof or coping. The spelling error of service was corrected to read as surface. The definition for grade or official grade is: A) For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street; B) For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk of the center of all walls adjoining the streets; C) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building and D) Any wall parallel or nearly parallel to and not, more than five (5) feet from a street line is to be considered as adjoining a street. The purpose of the height definition is to define how a structure is measured to meet the height requirement established by zone. The issue is with the average finished grade. The question was at what point is a grade taken on the side of a structure built into a slope/hillside. Referring the building height definition to the grade/official grade definition was suggested. Is the height measurement taken from the street side or from the average of all four sides is the question to comply with the residential twenty-five (25) feet requirement. Structures built in the hillside have a hard time complying with the height requirement. The structure can be one story high at street level and not comply with the height requirement due to the slope and the open basement on the other three sides. Lisa Toly questioned the need to include another provision under the grade/official grade definition that encompasses sloped lots. Commission members expressed that they needed more time to do some research. There are a lot of sloped undeveloped lots. The definition for concession stands was reviewed. City Council has added portable trailer to the list of various types of concession stands. Lisa Toly questioned what is considered as temporary basis, is there a length of time. The city’s temporary business license ordinance outlines a time period. Commission members discussed creating a demolition definition as per city council’s input. A remodeling project can involve an interior demo which is different than demolishing the whole building. Hazardous materials/asbestos/lead paint, removal and disposal of, are concerns with demo projects. City Clerk provided the commission with definitions for demolition, deconstruction, renovation and remodel based on prior discussions. Demotion is the total removal of a structure. Deconstruction is taking a building apart while carefully preserving valuable elements for reuse purposes. An example of a deconstruction project would be tearing down a non-compliant structure and leaving a wall that does not comply with setbacks. A demolition permit is a documented method to remove a structure from the property tax rolls. A deconstruction project is going to need a building permit. Under a demolition permit documentation needs to be provided that material is disposed of at an approved landfill site. The code requirement for the removal and disposal of the material was questioned and needs to be researched. Time was taken to review demolition definitions from the other city ordinances that the commission has been gleaming information from. City Clerk brought it to the attention of
the commission that the City of Ketchum’s ordinance has a definition for final elevation of the ground surface after development; it provides that the purpose of measuring building height finished grade shall be at the lowest exposed point of the building. Ketchum’s provision establishes a point of reference and prevents blocking the view from neighboring properties. No demo definitions were in the ordinances. The commission agreed to define demolition as follows: Demolition: 1) Razing – To completely tear down a building or structure and 2) Deconstruction – To take a building apart while carefully preserving valuable elements for reuse purposes. City Council has proposed adding drive-through to the title of the Drive-In Establishment definition. Commission members had no objections. City Council proposed adding motor vehicle and accessory structure to the dwelling definition. The proposed definition as changed will read as follows: Dwelling: 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. Commission members had no objections. The mayor and city council wants the commission to create a definition for certificate of occupancy. City Clerk reported that recent training she attended it was mentioned that floodplain lending guidelines are changing and structures located within the floodplains will be required to produce a certificate of occupancy for resale purposes. It is predicted that the new requirement is going to hinder resale efforts. An online definition for a certificate of occupancy is a document issued by a local government agency or building department certifying a building’s compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy. The commission was receptive to incorporating the online certificate of occupancy definition into the ordinance. City Clerk questioned the commission about creating definitions for renovation and remodel as previously discussed. A renovation and remodel project both require building permits. The commission agreed that there was no need to create a definition for renovation or remodel at this time. Renovation, remodel, demotion and certificate of occupancy are more of a building code provision rather than zoning. When the City adopted the International Building Code the ordinance provides under permits required that no permit shall be granted unless the work applied for is in conformance with the codes as set forth herein. No work including site preparation, erection, construction, enlargement, alteration, repair, move, remove, demolition, convert, occupancy, use equipment or agricultural building can be placed prior to obtaining a permit. It was the general consensus of the commission that the demolition and certificate of occupancy definitions belong in the building code ordinance and not the zoning ordinance. Curtis Waisath questioned the elimination of the zoning administrator definition. The definition will be deleted and the following provision will be incorporated into the ordinance: the City Council of Lava hot Springs, Idaho, created a Planning and Zoning Commission by City Ordinance to actively participate in the planning and zoning for the city. The Commission shall review all subdivision recommendations on the same to the City Council, shall study all requests for zoning changes within the city and make recommendations to the council for any zoning changes or boundary changes in zoning; shall review all applications for variances or conditional uses and make recommendations to the City Council for such variances or conditional use permits; shall maintain current studies of the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance of the City, as well as the city impact area, and make recommendations concerning changes in the same as they may be needed; and shall exercise such other duties and functions as may be delegated by the council to the Commission by ordinance or otherwise. The City Council of Lava Hot Springs, Idaho, and/or the City Code
Enforcement Officer are hereby designated to enforce the regulations of this Ordinance. Lisa Toly questioned the need to straighten out R-3 discrepancy. City Clerk reported that it is an administrative note to straighten the R-3 boundary line as originally intended.

**Building Code Ordinance:**

City Clerk reported that the Commission had been presented with copies of Chapters 3 and 29 of the International Building Code to compare proposed changes to several months ago. It was questioned if the commission had any questions or needed more review time. Several of the notes in red are matters that the City Clerk is working on and or working with the building inspector on. Time was taken to run copies of Chapter 3 of the International Building Code for commission members. While copies were being made the Commission discussed the county’s zoning of the Lion’s Park area west of city limits. The Lion’s Park property is located in the Residential Suburban Zone. The City is working on to adopt a building code ordinance similar to Bannock County’s. City Clerk reminded the commission that any amendments that the commission proposes have to be more restrictive then what the state has adopted. Section 310.5.1 of the International Building Code was discussed. The County’s ordinance reads as follows: Care facilities within a dwelling: Care facilities for twelve (12) or few children receiving daycare or five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. The International Code 310.5.1 reads as follows: Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. The City’s proposed ordinance provides that a group day care facility in a residential zone can tend three to twelve children under the age of twelve. The zoning ordinance may need to be changed. The difference between transient and non-transient congregated living facilities was questioned. Assisted living facilities are a non-transient congregated living facility. Homeless shelters would be a transient congregated living facility. City Clerk clarified that the Group R-3 is a classification in the International Code and that its meaning it totally different than the City’s R-3 Zone. City Clerk will run copies of the International Code classification types for Commission members. The International Code requires sprinkler systems for care facilities for five or fewer persons receiving care within a single-family dwelling. Multifamily dwellings also require sprinkler systems. Bannock County’s reason(s) for deleting lodging homes with five or fewer guest rooms from the Residential Group R-3 was questioned. City Clerk reiterated that the state building inspector wants the city to adopt the code like the state has. The Commission agreed to not amend 310.5 and to change the number of residents for a boarding house from fifteen (15) to sixteen (16) in the city’s proposed zoning ordinance. Chapter 16 Structural Design amendments were reviewed. The roof live load (snow load) for Lava has always been fifty (50) pounds. Lisa Toly mentioned that she thought that the snow load was sixty-five (65) pounds. Bannock County has established a ground snow load of sixty-five (65) pounds per square foot. Establishing an elevation based verses a snow load the same for the entire community was discussed. Commission agreed to amend 1608-1 and to establish the roof live load at a minimum of fifty (50) pounds. If the owner wants to increase the snow load they can go more. The wind load has always been established at a minimum speed of ninety (90) mph for a three (3) second gust. City Clerk will check with Bannock County to see if the County has amended their snow loads. The City Clerk explained
that the note she has on the amendment for 1612.1 is to ask legal counsel to see if “as amended” means referencing successive versions of the flood damage prevention ordinance as they are adopted. City Clerk reported that she questions “The Flood Insurance Study for Lava Hot Springs dated July 7, 2009.” The City has a flood boundary and floodway map (FBFM) and a flood insurance rate map (FIRM). No study report is on file. The Commission agreed to reference the maps only in the amendment.

**Other Business:**

There was no other business.

**Schedule Next Meeting**

Motion was made by Lisa Toly, Commission Member and seconded by Fred Hinz, Commission Member scheduling the next regular meeting for April 22, 2019. All voted aye, unanimous.

**Adjournment:**

Motion was made by Curtis Waisath, Commission Member, and seconded by Fred Hinz, Commission Member, to adjourn. All voted aye, unanimous. Meeting adjourned at 8:15 pm.

Transcribed by: ____________________________  Signed: ____________________________

Canda Dimick, City Clerk  Neil Anderson, Commission Chair