

Minutes of a Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Monday, October 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  
Canda L. Dimick, City Clerk

Excused:

Guests: None

Neil Anderson, Commission Chair called the meeting to order at 6:30 pm.

### **Approval of Minutes**

City Clerk reported that the printer is not working and it was noticeable on the June 24<sup>th</sup>, 2019 and October 14<sup>th</sup>, 2019 minutes that were printed and presented for approval. City Clerk is still trying to get the minutes caught up. The City Clerk informed the Commission that the recorder stopped recording during the September 23, 2019 meeting. The City Clerk has sent the minutes to City Attorney to review since there was a public hearing at that meeting and he was in attendance. After the City Attorney reviews the minutes, they will be presented to the Commission for approval. Neil Anderson, Commission Chair commented that when he read through the June, 24, 2019 minutes regarding the staircase for Kathleen Cochran, he feels now that the commission should have suggested or seen if it was possible for the owner to put in a chair lift instead of the crisscross stairway as an alternative. City Clerk mentioned that she has seen them inside a home but never outside. Neil Anderson, Chairman, reported that they do have them for outdoor use. Vicky Lyon, Commission Member, reported that the problem was with the rise and making it accessible for others visiting the home and making deliveries. The contractor couldn't comply with the building code rise requirement without the crisscross approach. The stairway would have been out into the middle of the street. Motion was made by Curtis Waisath and seconded by Fred Hinz approving the June 24, 2019 and October 14, 2019 minutes as presented. All voted aye, unanimous.

### **Building Permit Form Revisions and Review**

City Clerk informed the Commission that at the last meeting she reported that she was waiting for the state to provide her with a form template. City Clerk had sent the commission's changes to the Idaho Division of Building Safety's secretary a couple of months ago and had asked her to make the changes but she had not honored the request. City Clerk reported that she recently

received the form template so the changes will be made to the form in-house. The revised form will be sent back to the Idaho Division of Building Safety with hopes that it will be acceptable. Fred Hinz, Commission Member, questioned if the other minutes in their packet needs to be approved. City Clerk reported that they were already approved at prior meetings she had put a copy in each commission's packets for reference purposes regarding the changes the commission made to the building permit form.

### **Building Code Ordinance Draft**

The Idaho Division of Building Safety inspectors and secretary have sent their proposed revisions and comments back. The City Clerk asked commission members if they had been reviewing the revisions and comments. City Clerk reported that she is still trying to go through it. There are so many changes that everyone agreed that it is probably going to involve starting over again on the ordinance. Vicky Lyon, Commission Member, commented that it is hard to follow the State's written comments and changes. City Clerk is still trying to work with the secretary of the Idaho Division of Building Safety to try and interpret them. By the time the ordinance is completed, it will probably be time to adopt the next version. City Clerk mentioned that in the future maybe the City should look at adopting the code like the state adopts it to simplify the process. If you are not a contractor or a builder, some of the provisions are Greek. Everyone will continue to work on it. Commission members were encouraged to contact the City Clerk if they have any questions on any of the provisions during their individual review. City Clerk has provided commission members with copies of the supplements that are referenced in the revised ordinance so that they can do comparisons. Commission members were asked to make sure they go over the questions and to review appendixes. Revised ordinance proposes adopting four of the appendixes. Commission Members were asked to let the City Clerk know if there are any other appendixes that they feel need to be adopted.

### **Zoning Ordinance Draft**

City Clerk reviewed with Commission Members the City Council's progress on their review of the ordinance draft. The City Council added cats to the list in the household pet definition. City Clerk reported that when the City Council was reviewing the junk definition they discussed an existing unused building or mobile home foundation that according to the definition is junk. The City Council is working with the City Attorney to send a letter to the property owner. Neil Anderson, Commission Chair, questioned why the owners don't build a house on the foundation and ~~sale~~ sell it. The foundation may need to be inspected to see if it is feasible to place a home on it where it has set for so long. Vicky Lyon, Commission Member, questioned who owns the property. City Clerk reported that it is owned by Kathy Archibald. The City Council added branches and logs to the list of junk items. Classifying fire logs as junk was discussed as a concern. The City Council felt that fire logs could be covered to prevent them from being considered as junk. In the Animal Control Ordinance it provides that a commercial kennel is a business that requires a business license. Based on the provision in the animal control ordinance, City Council decided to strike the number from the Kennel, Commercial definition because if anyone is breeding animals for sale they should have a business license so three or more was

stricken. City Council is interested in imposing regulations on cats because of the number of daily complaints that City Hall is receiving. The Humane Society and shelter are no longer taking cats because they don't have any where to go with them. According to the Animal Control Ordinance cats are just like dogs and are prohibited to run at large even though several citizens are letting them run. The move is to educate owners that cats have to be kept on their property and they can't run at large to see if that will start controlling the problem. City Council has suggested imposing regulations for commercial and non-commercial kennels for cats as well as dogs. At any residence, if they have more than two dogs they will have to have a noncommercial dog kennel license and if they have more than two cats, they will have to have a noncommercial cat kennel license. The prior definition that the Commission recommended was a combination of three or more cats and or dogs constituted a noncommercial kennel. The City Council increased the number of cats and dogs allowed that constitutes a noncommercial kennel and created separate definitions for noncommercial dog kennel and noncommercial cat kennel. Under the proposed Landscaping definition, City Council included an example of the type of parking or storage areas or vehicular ways that are not considered landscaping (i.e. impervious surfaces). The City Council did strike local from the title of the Local City Attorney, Local City Building Official and Local City Engineer definitions. The definitions will be titled City Attorney, City Building Official and City Engineer so that will move them alphabetically in the list of definitions. City Council has asked the City Clerk to obtain an engineered illustration to include with the Lot, Corner definition that will show the one hundred thirty-five (135) degree angle referenced in the definition so that it can be interpreted. In the Lot, Right-of-Way definition, City Council was concerned with designating sixteen feet as the width for private accesses due to recent discussions involving fire codes that transpired with Randy Benglan's residential development project. The City Council has asked the City Clerk to check records to see what the width has to be to comply with the International Fire Code. Some of the City Council members thought the private access width has to be twenty (20) feet. Vicky Lyon, Commission Member, stated that she also thought that it had to be twenty (20) feet. The width may need to be changed based on findings to avoid conflicting provisions. Under the Non-Conforming Use definition, City Council added that the use must also comply with existing laws, ordinances and regulations. The City Council wants a page reference tagged to the Off-Street Parking definition that refers to where the regulations for Off-Street Parking are found in the ordinance. The current page numbers referenced may change once everything is finalized and revised. City Council has asked the City Clerk to have the engineer revise the ordinance off-street parking illustrations to include sidewalks on the plans so that developers realize the vehicles can't be parked to extend out over pedestrian ways. Commission Members did not have any comments or concerns with the City Council's revisions. Hopefully one more meeting, November, the City Council will be able to get through the definitions. City Clerk explained that the water project is wrapping up and that should free up some time for them to work on it.

## **Noise Ordinance**

The City Council feels that the City needs to enact a noise ordinance and has assigned the Planning and Zoning Commission the task of researching, developing and recommending an ordinance for adoption. City Clerk asked Commission Members if they know or aware of any towns that have enacted noise ordinances. Neil Anderson, Commission Chair, commented that Colorado Springs has a noise ordinance and that even after nine (9) p.m. the trains are not

allowed to blow their horns at crossings. Liability with restricting the train horns were expressed. Neil Anderson, Commission Chair, reported that the railroad crossing in Colorado Springs all have arms. Fred Hinz, Commission Member, reported that the railroad is doing away with the arms and stop signs. The railroad is replacing stop signs with yield signs nationwide at all crossings. City Clerk asked Commission Members to start googling for research material. The State of Idaho has a disturbing the peace law, If a noise disturbs another individual, then that individual has the right to sign a citation against whoever is creating the noise or disturbance. City Clerk will provide Commission Members with copies of the state law. City Clerk expressed that City Council may be looking for establishing quiet times. Trying to measure decibel levels is going to be hard to enforce. Curtis Waisath, Commission Member, commented that the dirt bikes that kids are riding through town are loud and questioned enforcement. Vicky Lyon, Commission Member, commented that a lot of cities regulate outdoor music to not exceed fifty (50) decibels after ten (10) p.m. on Friday and Saturdays, however on Sundays through Thursdays at 10 p.m. all outdoor music must conclude. Commission members agreed that establishing rules for outdoor music could be done and enforced but other noise situations are going to be difficult. Vicky Lyon, Commission Member, voiced support of enacting a noise ordinance. She stated that she always informs her guests and wedding groups that everything has to be over with at ten (10) p.m. Commission Members commented that during the summer time it seems that the downtown noise echoes into the residential areas, some can hear the kids playing basketball at the park and others can hear the noise from the public swimming pool during the day. Everyone agreed that at ten (10) p.m., things should be buttoned up. Curtis Waisath, Commission Member, stated that he can see the need for an ordinance he just doesn't know how it is going to be enforced. Neil Anderson, Commission Chair, stated that he can see an ordinance for residential noise and things like that but when it comes to cars, motorcycles and those things that comes under a different category because it is a vehicle under the jurisdiction of the sheriff. The off-road bikes are not legally allowed in town. If the City adopts a noise ordinance then it will provide local law enforcement with the ability to control the noise. During the summer, bars often prop their doors open for ventilation and the City has occasionally received complaints on the band noise disturbing neighboring guests/tenants/property owners at one (1) or two (2) a.m. The City has received a lot of comments/complaints regarding the noise drunks are making walking from the bars back to their vacation rentals along West Main and Elm Streets. It is better that they are walking and not driving but unfortunate that they are disturbing residents. Vicky Lyon, Commission Member, feels that the problem exists because business owners are not being responsible and are not monitoring their rentals. Commission Members were asked to email copies of noise ordinances that they feel would be beneficial to consider to the City Clerk and she will run paper copies and distribute them to each Commission Member. Enforcement is going to be an issue. City Council will have to address enforcement. If there is an ordinance in place, the police will have the ability to tell someone to tone it down or turn it off.

#### **Other Business – Vacated Commission Seat**

Neil Anderson, Commission Chair questioned status of an appointment for the vacated commission seat. City Clerk informed Commission Members that the City Council is waiting to fill the vacated seat until after the November 5, 2019 election.

### **Other Business – Candidates Forum**

Commission Members were informed that a candidate forum for the Mayor, City Council and Marsh Valley School District Board positions will be held at the Lava Community Building on October 29, 2019 at 7 pm. The dominant discussion at the forum is expected to relate to the school board. Vicky Lyon, Commission Member, explained that the way the school district boundaries are set up that there could be three members on the board that live in Inkom. Lava would have no voice. Neil Anderson, Commission Chair, questioned how the boundaries are designed. City Clerk stated that she understands they are population based. No one seems to know who establishes the school board seat boundaries.

### **Schedule Next Meeting**

Next regular meeting is scheduled for Monday, November 25, 2019 at 6:30 p.m., Lava City Hall.

### **Other Business – Cable Television**

Considerable amount of discussion transpired regarding Direct Communication discontinuing cable television service. Everyone is moving to satellite or streamlining through their internet service.

### **Adjournment**

Motion was made by Fred Hinz, Commission Member to adjourn. Recorder was turned off before motion was seconded or voted on. Motion to adjourn was seconded by Curtis Waisath. All voted aye, unanimous. Meeting adjourned at 7:17 pm.

Transcribed by:

Signed:

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Canda Dimick, City Clerk

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Neil Anderson, Commission Chair