

Minutes of the Special Meeting/Work Session of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held Thursday, October 6, 2016 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
Vicky Lyon, Commission Member
Ricky Frandsen, Commission Member
Canda L. Dimick, City Clerk
George Linford, City Council Member

Excused: Curtis Waisath, Commission Member

Guests: No one.

Neil Anderson, Commission Chair called the meeting to order at 5:30 pm.

Zoning Ordinance Work Session:

The last meeting ordinance draft changes were briefly reviewed. Definitions for economic development, economic hardship and exterior lighting were considered but not included. An elderly care facility definition has already been covered. Elderly care facility is covered under the dwelling definition. Vicky supports a definition for emergency repair work. Discussion followed. There may be emergency repairs that need to be taken care of because of natural disasters or weather situations. Minor repairs shouldn't need a permit. Developing an emergency plan to stabilize structures damaged by disasters to speed up the permitting process was discussed. Commission agreed and supported establishing an emergency permitting process in the building code ordinance, not the zoning ordinance. Permitting energy systems was discussed. Wind energy systems are not favorable within city limits due to noise. The commission were supportive of solar systems and agreed to define energy system, solar, as any solar collector panel(s), film(s), shingle(s), or other solar energy device(s), or solar structural component(s), mounted on a building or on the ground and including other appurtenant structures and facilities, whose primary, purpose is to provide for on-site collection, storage, and distribution of solar, or radiant, energy received from the sun and used for heating or cooling, for water heating, and/or for generation of electricity. A solar energy system may be ground mounted (i.e., placed on top of the ground surface) or roof mounted (i.e., placed on or as an integral part of a building). Roof mounted systems may extend an additional two feet (2') beyond the maximum height allowance of the zoning district in which they are located. Ground mounted systems shall meet all required dimensional standards for accessory structure. Defining equestrian facilities for future annexation purposes was discussed. If the Lion's Club Park was ever annexed in the city may need a definition of an equestrian facility. There is another indoor arena within the city's impact area. The commission supported defining an equestrian facility, commercial as an establishment operated for purposes of commercial boarding, training, teaching, breeding and rental of horses including facilities for shows and competitive events. The commission also supported defining equestrian facility, residential, as a facility used for or

associated with housing horses which are owned by the residents residing on the property. The city has a livestock permit process that property owners can obtain to harbor horses if seventy-five percent of the neighboring property owners within a three hundred foot distance of the exterior boundaries of the property approve. The annexation of property where animals are harbored would be grandfathered in. Including a definition for equipment enclosure to house solar system battery equipment was supported. Equipment enclosure will be defined as a small enclosed structure, shelter, cabinet, box or vault at the base of the support system within which are housed batteries and electrical equipment. Systems not connected to net metering will need equipment enclosures. There was discussion that followed regarding the city's sewer solar system. The city's system is capable of producing 94kw but the contract is limited to 25kw. The solar banks are currently being rotated until the limitation is lifted. Definitions for existing lighting and exterior lighting were considered but not included. The city's ordinance regulates parking lot lighting. Lighting regulations should be covered under building codes. Converting to LED lighting systems was discussed. Defining erect was discussed and determined not necessary. The difference between murals and signs was discussed. The definition of excavation was read and not changed. Commission agreed to define existing natural topography and reference see definition of grade. The definition of family was read. Commission questioned the limit of four non-related persons. What if a family has foster children? The commission question if having more than four non-related persons living with the residing family would constitute a boarding house. The commission would like legal to review the definition of family and provide an opinion. The definitions of family food production and feed yard were discussed. Residents can have chickens with a livestock permit. The commission supported adding the livestock permit requirement to the family food production and feed yard definitions. Commission discussed defining fence. The definition of final plat was stricken because it applies to subdivisions and is covered in the subdivision ordinance. Additional discussion on a fence definition followed. Fences can not obstruct vehicular traffic vision. Concerns and past public input regarding barb wire fences within city limits were discussed. Barb wire fences are along the exterior boundaries of city limits. Having fencing material approved by neighboring property owners would be difficult to enforce. The commission supported defining fence as a structure which is intended to delineate a boundary, provide privacy or decorative screening, or form a barrier. Defining façade and façade attached antenna was discussed. Defining antenna has already been considered. The City Clerk will look back through the recording to see why the commission chose not to define antennas. It was determined that the definition of architectural projection would cover façade. Defining fertilizer to control the size of composting sites was discussed. The commission supported defining fertilizer as any substance containing one (or more) recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes limes and gypsum. It does not include un-manipulated animal manure and vegetable organic waste derived material, bio-solids. Concerns were expressed about human waste composting for private gardens. There is a health safety concern and there has to be a health code that covers it. The produce can't be sold to the public. Defining fiber cement siding was mentioned and determined that it is a building material and does not need to be defined. Commission supported defining fill as the deposition of any material that alters topography. Stock piling fill was discussed and can only be temporary. Commission supported defining fine art as sculpture, fountains or similar objects. Fine art and art is in the eye of the beholder. Limiting fine art objects to certain zones was discussed. It was brought to the

commission's attention that flag poles are not regulated. The city followed Bannock County's ordinance and exempted flag poles from regulations. The commission felt that tall flag poles could be a hazard and need to be regulated. The building code ordinance needs to be changed to regulate when flag poles need to be permitted. No definition for flag pole is needed. Flag poles need to comply with International Building Code and should not be exempted. Considerable discussion followed regarding flag lots. Flag lots should be covered under subdivision regulations. The definition of firefighting facilities was read and not changed. Vicky Lyon was excused. The definition of flood hazard is very well written. City Clerk reported that she will compare the definition for flood hazard to the floodplain ordinance. The definitions of floor areas and floor area ratio were read. Defining first story as the lowest story in a building provided the floor level is not more than four feet (4') below final grade for more than fifty percent (50%) of the perimeter, Can include habitable or uninhabitable floor area and providing an illustration was supported by the commission. Separating the definition for floor areas, residential and floor areas, commercial is needed. The current floor area definition will cover residential floor areas. Commercial floor areas need to include courtyards and outside public use areas. Off-street parking spaces for commercial uses are figured on floor area. The off-street parking spaces for the seasonal floor areas need to be looked at and addressed in the ordinance. Commercial expansions are required to provide parking for the expansion. Some commission members felt that the parking restrictions stifle growth. Commission agreed that a definition is necessary for commercial floor areas to include outside courtyards, decks and other similar areas used by the public. A considerable amount of discussion followed. It was mentioned that some cities are developing parking and requiring businesses who want to expand but have not parking for the expansion to pay a fee for the development and maintenance of the public parking area. Parking in the summer is a problem. The parking problem is only getting worse. Defining food service was discussed. Commission supported defining food service as an establishment where food and drink are prepared, served and consumed on site with associated outdoor dining, or distributed to customers through take out, delivery or catering. Typical uses include, but are not limited to restaurants, cafes, delis, catering services and brewpubs that do not distribute beer produced for off-site consumption. City Clerk alerted the commission that brewpubs probably need to be listed as a conditional use because of the type of sewage that they produce. A free and clear zone is a portion of a sidewalk that is unobstructed and allows for the free flow of pedestrian traffic. The pedestrian way definition was read. A minimum of thirty-six inches have to be free and clear for the American Disability Act (ADA). The city's sign ordinance covers a free standing sign. Defining a free standing tower was discussed. All towers are currently on the top of L Mountain. The International Building Code should cover the construction of towers. Defining full cutoff fixtures was discussed. Full cutoff fixtures are fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. Regulating the diversion of lighting to the ground is expected in the future. The definitions of frontage and frontage lot were read and not changed.

Schedule Next Meeting:

At the last meeting it was mentioned that the next regular meeting was October 20, 2016. The date is actually October 27, 2016. Motion was made by Fred Hinz and seconded by Rickey

Frandsen scheduling the Regular Meeting/Work Session for October 27, 2016 at 6:30. All voted aye, unanimous.

Adjournment:

Motion was made by Rickey Frandsen and seconded by Fred Hinz to adjourn. All voted aye, unanimous. Meeting adjourned at 7:33 pm.

Transcribed by:

Signed:

Canda Dimick, City Clerk

Neil Anderson, Commission Chair