Minutes of the Regular Meeting of the Lava Planning & Zoning Commission of the City of Lava Hot Springs, Idaho held on Thursday, September 25, 2014 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Katie Smith, Chairman
Fred Hinz, Commission Member
Dave Sanders, Commission Member
Jon Thomson, Commission Member
Curtis Waisath, Commission Member
Canda Dimick, City Clerk

Excused: Allison Hinz, Secretary

Guests: Rory Simmons, Cathy Sher, Gary Mendrick, Randall Brown, Pamela Slaughter, Steve Jones, Carolyn Gunter, Wayne Gunter, Randy Benglan, Scott Hange and Stewart Hall. Roster attached.

Katie Smith called the meeting to order at 6:30 p.m.

Approve Minutes – August 28, 2014
Curtis Waisath made a motion to approve the minutes of the August 28, 2014 as written. Fred Hinz seconded the motion. All voted aye, unanimous.

Public Hearing – Zoning Map
Dave Sanders made a motion to open the public hearing. Curtis Waisath seconded the motion. All voted aye, unanimous.

Katie Smith, Chair read the notice of public hearing published September 6, 2014. The Lava Hot Springs Planning & Zoning Commission will hold a public hearing on Thursday, September 25, 2014 at 6:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho for the purpose of giving consideration to amending the Zoning Map for the City of Lava Hot Springs. Copies of the proposed Zoning Map are available at City Hall, 115 West Elm Street, between the hours of 9 a.m. and 2 p.m., Monday through Friday or on the City’s website. Any and all persons shall have the opportunity to be heard at the public hearing. The commission may limit oral testimony to three minutes. Written comments or objections will need to be received no later than September 24, 2014 by 2:00 p.m. to the Lava City Hall, 115 West Elm Street, PO Box 187, Lava Hot Springs Idaho 83246 or fax to 208-776-5130. Again notice was published on September 6, 2014. Oral testimony will be limited to three minutes and each comment will be timed.
Guests were given time to sign roster while Canda Dimick, City Clerk presented a brief
staff report on maps, current zones, comprehensive map and proposed zoning map
amendments. Canda explained that she is filling in for Allison as she is ill. Canda
reported that all written comments received were delivered prior to the meeting to
commission members. Written comments were received from Steve Jones and Mr.
Medrano. A copy of a map showing the existing zones was posted on the wall. Canda
clarified that the map on the wall that the area South of Merle Street has always been
zoned R2 and the R3 zone adjacent to South 4th West Street is narrower than what is
shown on the map. The Commission was assigned the task to zone everything that was
not zoned within city limits. Guests were given a copy of the proposed zoning map and
also a copy of the city’s comprehensive plan map which is a guideline that the
commission was required to use when they were going through the process of
establishing the proposed amendments. The proposed amendments can’t exceed or be
any more intensified that any zone as established in the City’s Comprehensive Plan Map
by law. The notice of public hearing was published in the Idaho State Journal, Lava
News and mailed with the City’s water bills and posted at City Hall and the Post Office.

Written comments received were read for the record:

Steve Jones       Hello Allison will you please print this email in hard copy and forward
this email as well to the P & Z Commission. Also I will have a packet for
each P & Z member to you by noon this coming Monday. Will you please
deliver those to them by the end of Monday business day if that is
possible? Thank you in advance for your help with this. Steve. Hello
Katie, Dave, Curtis & Jon. I am inviting and request the four of you P &
Z commission members to individually inspect the four acre parcel at the
end of East Elm Street prior to this Thursday’s meeting at 6:30 p.m. I will
have a spiral bond packet for each of you waiting for you at Lava City
Hall by noon this Monday, September 22nd. Please feel free to walk the
length and width of the 4 acres to get a good feel for the excessive degree
of difficulty and inordinate cost that would be associated with developing
this property for any other use other then C1/ C2. Please notice the 80 foot
cliff drop-off at the Northwest corner and the graduating 200 foot cliff
drop-off at the Southeast corner. The cliff drop-offs are covered in
noxious weeds, trees, vegetation and all their varieties germane to the area
and are not easily seen until you are nearly standing on them. After your
excursion, I am asking you to support naming this four acre property as a
C1/C2 designation. Your leadership in getting this property that status
will bring jobs, economic opportunity, property and sales tax revenues,
safety and beauty to the eastern frontier border of Lava Hot Springs. Thank you in advance for making this additional effort and sacrifice of your time in your volunteer role as a member of the P & Z Commission. Respectfully, Steve Jones, Owner. Katie Smith, Chair also reported that the City had received an email from Steve and summarized that he purchased the property seven years ago at State auction with the intent to combine it with RV Park behind the Lava Spa Motel in a commercial development plan. It is too steep to effectively develop for residential use. Steve has some supporting documentation of how much a home would cost to build and how much it would cost to excavate so forth. Steve said that it was not financial feasible and went over again inviting the commission to look at the slope of the property and requesting the same thing as his note said. One of his comments was written in bold and read, “There’s no contiguous residential zone issue, I am asking the P & Z Commission to consider my request to recommend and vote to allow that four acre parcel to be named C1/C2 just like its 3.5 boarding zones to enable it to be planned and engineered to contribute to Lava’s economic future, its beautification and to provide decades of opportunity towards evolving prosperity.”

Jacob Medrano

Email from Jacob Medrano was read. He owns a home on the South corner of South 2nd East and Elm. I was told that another property owner was petitioning to change the zoning at the area where my home is located and I do believe that would impact my way of life in the City of Lava. The main reason that my wife and I purchased a home at this particular area, is that it is a single family residential and I believe that the area could not handle a high volume of traffic. I believe that the steep streets in front of my home will become a parking lot and would make it unable to access my home let alone be able to pass through the street without a possibility of some type of accident. There are also winter concerns when there are high traffic conditions on steep roads that are iced up or snow covered. I would hope that whoever would want to have the zoning changed would have a change of heart and build a single family home and enjoy the beautiful City of Lava. Thank You.

Guests wishing to speak in support (in favor) of the proposed map followed:

Rory Simmons

Rory Simmons thanked the Planning & Zoning Commission for the opportunity for people to be able to express their views. It is part of democracy and it shows that it works. I am in favor of the map, R2
Cathy Sher  
Cathy Sher thanked the commission for putting their time in on the issue and for the work they do. Cathy agrees with the Commission’s decision to bring the property parcel that is off of South 2nd East and behind and the residential area, the R2 zoning that is on South 2nd East, and keep that as a residential area because I think it was mentioned numerous times and it really received a high count in the public meetings for the comprehensive plan to preserve and increase residential. As you know, that is what keeps this town going year around and we do appreciate the Commission’s consideration for that. She supports the commission’s proposed R2 zoning, it is a low density situation, it is a steep area and for public safety it would be best for R2 and that’s giving the residential area a boost. She would hope that the commission would consider in the creation of the commercial to the east of the property that the Commission might include a buffer zone which several communities have done. It was discussed quite a bit in the comprehensive plan and it seemed to very helpful to both residents and commercial users. It is a perfect way to preserve nature and maybe increase nature and give a buffer between the two uses of land. Preserving residential and not intensify the density on the steep hill is deeply appreciated. Thank you for your time.

Gary Mendrick  
Gary Mendrick, in attendance representing the owners of the River’s Edge Campground, reported that they would like to let the board know that they are in favor of the zoning expansion and that they are supportive of reasonable growth that fits Lava’s lifestyle.

Carolyn Gunter  
Carolyn Gunter supports Planning & Zoning’s proposal for the area next to South 2nd East to keep the area zoned down to a low density residential
and the reason why is because during the winter you can’t access the area going up or down the steep hill and if you do it is very tricky.

Wayne Gunter thanked the Commission for the opportunity to speak. He supports keeping the area by South 2nd East low residential, R2, because the roads are not that great in the area and if you start getting a lot of volume of heavy trucks coming in for building, the roads are going to fall apart. They are barely holding on now and that’s more cost to the city. It is bad enough trying to get a load up there. To handle all the sewer and water to come this way to match everything is going to be a lot of cost to the city. It is bad enough trying to get a load up there. To handle all the sewer and water to come this way to match everything is going to be a lot of cost to the city. The habitat that comes around at night and they have a lot of hikers that comes up through the area will all be lost. The area is already bad enough in the winter time. East Booth Street is congested with parking because of all the apartment houses. Sometimes the plows have a hard time plowing the area and there is only one lane traffic. There have been wrecks on East Booth and South Second East because of people trying to make the hill and come around the corner. There is getting to be enough traffic.

Guests wishing to speak who were neutral on the proposed map followed:

Stewart Hall questioned why the map amendments were needed. Why the change? He asked the Commission to address it later. Is it for growth? He hasn’t seen growth in town for decades that would need the change for what has been in the zoning forever. He would like to see a lot of zoning changes and designated areas for parks and trails. The demographics that we are bringing into our town are wanting to have more trails, parks and recreation. I think we need to be focusing on gearing toward the demographics that are already coming to our town. That would need to be an avenue that may need to be changed but as far as the zoning districts or incorporating more areas why is that being done?

Guests wishing to speak who were opposed to the proposed map followed:

Randy Benglan lives in Lava. He sells real estate and operates a tube stand by the swimming pool. He understands that the zoning ordinance is under a moratorium and questioned how the Commission can review the zoning map if the zoning ordinance is under a moratorium. If the ordinance is under a moratorium how does all the provisions of the ordinance and definitions even apply? Randy pointed out that if the City can’t zone
anything higher density then what the City’s Comprehensive Plan Map shows then why is there an area on Portneuf Street and North 3rd West which is currently zoned R3 on the proposed map and R2 on the Comprehensive Plan? If the City is allowing the higher density in that area then it should be allowed to zone the area commercial where Steve Jones’s is recommending and it should not be illegal. On the North side of Elm Street it is zoned commercial already. Randy is pro growth, residential, commercial, parks and trails. He would like the commission to consider for that area what is most likely to bring growth and of course consider the traffic and transportation is it going to harm the area or not harm the area and study access and possibly access the area from below. Across from the Blue Moon Bar to the South there is an area there that the Comprehensive Plan shows commercial but the proposed zoning map shows it residential. He asked for clarifications.

Pam Slaughter commented that she has been coming to Lava for almost twenty years now and not much has changed in those years. Lava has a new grocery store, some color changes on the buildings, a gas station that has been converted to a restaurant, main street homes have been converted to a lot of overnight rentals and there is a public restroom. The city has not changed very much though. Lava Foundation has changed the face of Lava Hot Springs with the indoor and outdoor pool, slides and upgraded hot pools. During the summer months, buses come to Lava and the tourists play in the pools. They don’t stay in Lava as there is no place for them to stay. The city does not support growth. I can say that because we have researched the US Census and the stats are as follows. In 1920, the population in Lava Hot Springs was 662 people. In 1970, the population was 516 people. In 2000, the population was 521. In 2010, the population was 407. The City of Lava does not want growth. It doesn’t appear to me that they want families to move here. They don’t want jobs, taxes or any type of growth. The Lava Foundation wants jobs, families and growth. They alone have kept the city alive. In the seven years that my partner, Steve and I have owned sixteen acres in the City of Lava and I can’t count how many times we have been told quote, I love Lava, quote, I hate staying in Lava, quote, please build new rooms in Lava, unquote. If the City of Lava is not interested in growth, why have they asked P & Z to vote to zone a huge section on the east side of Lava to R2 zone. The city has admitted that they will not put 3rd Avenue East in as a road because the hillside is to steep and yet they want to zone that hill over there to an R2. Once again, I ask, why is the city asking for an R2 zone on the
property on Elm Street. I suggest the P & Z Committee vote to keep the property unzoned or convert it to C1/C2 allowing for commercial growth. This would bring tax revenue, jobs, families with children, more tourists year around to the City of Lava. Thank you in advance for recommending to the city C1/C2 zone for the property in question and while we were sitting down in the restaurant, we had a letter given to us and it says, to whom it may concern. I think the four acre parcel at the end of East Elm Street should be zoned as a C1/C2 designation. I’d rather see some growth in Lava as opposed to an unused area. Beverly Harris, Hartman “Kim” Harris. Lava Hot Springs. Thank you.

Steve Jones

Steve Jones thanked Mr. Hall and Randy for their comments. After all, your comments were pointed. Why do more of the same with residential when there is nobody coming to Lava to live here. Thank you for P & Z for giving me a minute. Mr. Jones presented a chart showing Lava’s population from 1920 to present. The trend has continued to fall because the leadership in Lava has made the determination, no new people here please, no new growth, we don’t want more people. We like the number of houses that we have and that is all we want. On the other hand Soda Springs says, in 1920. Hey let’s start digging this dirt over here in the side of this mountain and we’ll bring in Monsanto so they go from 935 residents to 4051 at their peak and in 1980 they fall off, they settle back down, with the adjustments in the Obama economy to 3058 residents in Soda Springs. What does this translate into? Monsanto plus jobs, this is cause and effect. What is the cause? Monsanto and jobs equals more people and more homes because that is what Soda wants. Lava does not want more people, does not want more homes. What they want is more tourism. But here is how that works. Tourism plus no new lodging in Lava equals no new people, just what Lava wants. The leadership wants no new people and it also equals no new income. That is not what Lava wants but that is what the consequence is. It also equals no new homes. That’s what Lava wants. No new homes, no new people. This is the path that Lava is on. If you take right now and zone more property, my property specifically, to R2, you now have more property that you don’t want people moving onto and building. If Lava wants, however, more money that’s what Lava really wants. They want to have more tourists. I bet you would be happy, the city would be happy with double the tourists, that would come in during the summer time and on the weekends but then let all the rest of you own the commercial developments that we do down there on that commercial area. You’d own it. You’d buy it. You’d keep
the money. Cause you don’t want more people and more houses there. I get that. I am cool with that but you won’t get more money here unless you take your Monsanto which is your tourism and take that tourism and say let’s give the people who want to come here more places to stay so we can get more people to come here and leave their money and we can go away in the winter time and then you guys can go to Fiji and I’ll see you there. That’s kind of how that works. This property up here that I am showing you here on this map, are actual sites. Since 1850, my property over there has not changed one bit. No new structure, no new development but every person in this building tonight has the benefit of sitting in a home that has been able to be changed. You got to have your ground changed to something that is beautiful and contributing to your lives and beneficial. My ground doesn’t get to do that. I’m asking the P & Z because of the acuity that Randy pointed out tonight in the maps and the proposal in front of us based on that alone to please set this aside, to set a motion tonight to set this aside for further review, further consideration and further correction of what it is really supposed to be on this map and to look seriously to the long term consequence of no additional dollars to this community without additional lodging. Thank you for your time.

The Commission’s response to concerns followed:

Jon Thomson, Commission member, presented a little bit of history of what’s going on and why the commission is doing an update to the city’s map at this time. Jon explained that it all started a while back when the commission was challenged with updating and upgrading the subdivision ordinance to include a little bit more modern terminology as to standard street width, standard drainage issues and standard setbacks. If you go around Lava Hot Springs, over the years you got some streets this width and some street that are a different width, so on and so forth. In order to make everything uniform, from this point forward, the basic long term development maps were updated and so now it is time to update the current standards that are within the city limits. A trailer park that was annexed into the city limits needed to be zoned to commercial. State property that has since been bought by Mr. Jones needed to be zoned because it is now privately owned needed to be designated. The City’s Comprehensive Plan limits what can and can’t do. All the Commission has done is tried to update the zoning map to match the long term comprehensive map as well as the current usage map that is known in
existence. Obviously everything between Main Street and Elm Street is known to be commercial. There is a moratorium on all new subdivisions. The city can’t update the subdivision ordinance if there is an out of date zoning map. That is the primary purpose of updating the map. It wasn’t the purpose to rezone anything. The purpose was to zone it as it is already being used or zone as it is designated on the long term plan. The commission hasn’t tried to reinvent the wheel. Any higher density would require an amendment of the comprehensive map which would just be adding to the effort before the moratorium can be taken off. There has been support and nonsupport for the proposal but that the reasoning behind the purpose.

Commission decided to allow for additional questions from the audience as follows:

Stewart Hall  Stewart Hall questioned from a business stand point that if the city is going to make changes that there has to be some requirements to cover the loss of business that is demanding the change. Stewart questioned if there is people knocking at the door needing this change to come in and develop Lava Hot Springs.

Jon Thomson Jon Thomson, Commission Member, reiterated that the proposal does not make any changes. It basically brings one map up to coincide with the other. In order for the commission to update the subdivision ordinance the commission needs to update the zoning map with current usages.

Stewart Hall  Stewart Hall stated that he made his point.

Randy Benglan Randy Benglan stated that he set on the Comp Plan Committee and that he does not represent the committee but he knows that there are three areas on the Comp Plan Map that are different then the Zoning Map and that is what he wanted clarification on. We recommended that the property that Steve Jones is talking about be R3 and it is being proposed as R2 and South of the bar the half block there the committee recommended commercial there and in the proposal it is recommending R2 and then there is a triangle on Portneuf and 3rd West that the comp plan recommends R2 and the current proposal recommends R3.

Dave Sanders  Dave Sanders, Commission member, complimented Steve for his preparation with the maps and the outline of what he has in mind. He reported that he had visited the site today and that there is some real
The most east end has an incredible steep slope, 50 to 60% grade. I don’t care if it is residential or commercial. What can be built on that steep of a slope to avoid the concern of what has happened in Jackson Hole where a side of a mountain sluffed down and took out a nice business? An extensive geological analysis of the site would have to be done to make sure that any kind of street building or anytime you take anything that steep and dig into it for a structure there is a tremendous area to retain. Dave asked Mr. Jones to give the Commission some idea as to what his thinking is. Dave mentioned that the other problem is access from Elm Street and questioned Mr. Jones if there is another plan or view to access the area.

Steve Jones reported that the property boundaries East Booth Street and that would be the easiest access to the area, or you could access the property through the alley pass Gunter’s house, or from East Elm Street, or a switch back could be done off of the alley between Elm and Main Street. The geotesting would have to be done to test for stability of the soil. With that said, lends more credibility to the argument, that about 80% of southeast Idaho towns have agricultural property inside the city boundaries that have essentially a nozone status. Other cities around here have a nozone to agricultural zone while it is waiting for discussion and development proposals so that it retains it low tax impact to the owner and low burden since it can neither generate commercial activity and revenues to pay its tax obligations or be sold off to somebody to put homes on it to carry its tax burden to the city. The very least that should come out of this meeting would be a recommendation that the nozone status should remain the same for that ground pending geotests to determine its usefulness for development or agricultural zone to remain open for fona and wildlife, and flora can flourish in the meantime. The geotest will tell what kind load that the property can take for development. Steve mentioned that in the notes from the email that Katie summarized that he sent also included an explanation that for every parcel of ground if changed to a R2 zone that each parcel of ground would cost about a $100,000 for the excavation costs to prepare that site to put on it at least a $100,000 structure. At $200,000, it just takes it out of the market place for something as small as it would have to be to be economically viable. If however a $100,000 structure went onto a $100,000 piece of ground over there after the improvements and infrastructure were put into place the excavation those could then be used in a commercial application as a motel, as a auto cabin or some other income generating vehicle to support the cost of the
excavation and development of the site but if left residential, it won’t and that is why it hasn’t since 1850 because the dirt can’t be removed to support any kind of residential development ever.

Dave Sanders
Dave Sanders, Commission member stated that he feels that Mr. Jones’s statement would be right considering the set back requirements and side yard requirements, the amount of excavation required would make it impossible to do.

Wayne Gunter
Wayne Gunter questioned if anybody had thought about the canal. If you disturb the ground down below, what could happen? If that breaks, that is not just shutting something off. It will flood everything from there down to Main Street.

Steve Jones
Steve Jones stated that part of the development plan is to line the whole section through there where there is any exposure of instability with concrete at the developer’s expense.

Wayne Gunter
Wayne Gunter questioned making the road access through the alley way by their home. They already have entered into a discussion before on a different one trying to do this. The Gunter’s can barely keep the alley open themselves. Their house sits right next to the alley and it has been there for a long time. They paid to have the alley paved by their home and it has been grandfathered in that they can park one vehicle there. There is nothing back there. All of the access goes to their house and if the developer blocks it off to where he can’t even use it, when people come to see him they will have no idea where to park. He has had accidents of people slipping and falling trying to get to his house and vehicles running into his house. There is a gas line in the alley.

Jon Thomson
Jon Thomson, Commission member, stated that the purpose of the hearing is not to talk about any development.

Katie Smith
Katie Smith, Chair reminded quests that the purpose of the hearing is only to comment on the proposed map.

Motion was made by Curtis Waisath to close the public hearing. Fred Hinz seconded the motion. All voted aye, unanimous.

Proposed Zoning
Katie Smith, Chair, questioned commission members if they had enough
information and input to make a recommendation to the city council or not? Curtis Waisath made a motion recommending that the commission send the zoning map as proposed onto the City Council. Katie Smith, Chair, called for a second. Dave Sanders questioned what the proposal was. Katie explained that the proposal is the map that the commission has been working on and completed the last couple of months. The map was reviewed. Dave questioned if the commission wanted to forward the map as is with the R2 zone. Katie explained that if the commission wants to make any changes it would require the commission to hold another hearing. Dave Sanders stated that he did not feel that the commission is ready to make a decision because of Steve’s comments to make his property either a nozone or commercial. Katie asked the commission if there were any other areas of concern with the map. Jon Thomson said that he has no concerns as long as there are no conflicts with the long term comprehensive plan and he did note that there is an R3 area that is now marked as R2. Canda Dimick, City Clerk clarified that the triangular area that Randy Benglan questioned has always been zoned R3 and that the areas that are zoned R3 or commercial on the comp plan map in conflict with the proposed zoning map are areas that the commission have chose not to change at this time. The comprehensive plan committee is no longer existence. A developer will have to file a comprehensive plan map amendment if they propose to intensify any zone as established on the map. Randy Benglan asked if the commission would consider changing the one block South across the street from the Blue Moon Bar to commercial. Commission members stated that they were not willing to consider any change at this time. City Clerk explained that comprehensive plan maps are not supposed to mirror the zoning map. The purpose of a comprehensive plan map is to provide a guideline for future growth. The commission has considered the public input. The R3 zone adjacent to South 4th West was expanded to allow for higher density residential development in that area because the access to the expansion was already through a R3 zone. The commission considered the zoning of the four acre parcel that Mr. Jones owns on the east side of the city was zoned R2 because of access to the parcel is through an R2 zone. Steve Jones and Pam Slaughter commented that the access to the parcel could be developed off of East Elm which would mean that half of the access would be considered residential and half would be considered commercial according to the current zoning map. Steve Jones mentioned that in some point of time in the future they are going to want to develop access to the parcel off of East Booth Street. Curtis Waisath again made a motion to
send the map as proposed onto City Council Motion was seconded by Jon Thomson. All voted aye, unanimous.

**Other Business**
None.

**Schedule Next Meeting**
The next Regular Meeting is scheduled for October 23, 2014 at 6:30 p.m.

**Adjournment**
Fred Hinz made a motion to adjourn. Curtis Waisath seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:35 p.m.

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Canda L. Dimick, City Clerk                                      Katie Smith, Chairman