

A Special Meeting of the City Council of the City of Lava Hot Springs, Idaho will be held on Thursday, February 25, 2021 at 5:30 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho.

Guests may participate by teleconference if they so desire. To participate or listen to the meeting by teleconference, please call (408)638-0968, meeting ID number is 5731543907#, password 745563#. Depending on your telephone service plan, long distance charges may apply. All participants will be muted when they join the meeting. Guests can unmute themselves by entering star six (*6).

Present: Jon Thomson, Mayor
Randy Benglan, Councilperson
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Councilperson Knutson
Canda Dimick, City Clerk

Excused: Amantha Sierra, Office Assistance
Gary Cooper, City Attorney

Guests Phone: Yvette Cadeaux

Guest at City Hall: Megan Reno, Kerby Pagnotto

Mayor Thomson welcomes everybody and called the meeting to order at 5:30 p.m.

Mayor Thomson report we may or may not have people participating by telephone. We have a very short agenda tonight. Primarily we're meeting in order to get through the proposed zoning ordinance draft and make final comments on it and get it sent back to our planning and zoning committee for final action there. I would, at this point, entertain a motion to kind of revise the order of things that we're going to do business with. Randy wants to be able to leave a little early so he would like to have the proposed zoning ordinance items done first and then we can do the rest of them later. So if you'd make that motion, then we'll go to that.

Councilperson Benglan made a motion to adjust the agenda to place item number four (4) proposed zoning ordinance draft to number one (1). Councilperson Knutson seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Mayor Thomson. The Pledge of Allegiance is led by Mayor Thomson.

1. Proposed Zoning Ordinance Draft – ACTION ITEM

Mayor Thomson reported Planning and Zoning commission started on this one about four (4) years ago and council has worked on it for a couple of years and basically upgraded the existing zoning ordinance to some of the more modern items. I think it's time to approve and look at revision later. Councilperson Frandsen explained areas changed or updated and that they reviewed other city's ordinances for a guideline. Mayor Thomson addressed certain areas that may to be addressed, especially for future developments. Council reviewed and discussed draft. Councilperson Benglan addressed his write up on the draft. The top section is what the P&Z (**Planning and Zoning commission**) has in their proposal and then the lower part is my notes. The R1 is actually a new zone that P&Z created. So there's nothing in Lava that is zoned R1. The City has R2, which is medium density, and R3, which is high density and then they thought we need a low density designation as well. So the low density would be a scenario. If you know, Bountiful, Utah, up there by the golf course, those are all larger lots. There's no multifamily, no duplexes or anything like that. So if someone wanted to come in and say annex into the city, and their goal was to build some custom houses, and protect the area from high density, then that's a zone that we would look at proposing. But it wouldn't be anything that we would designate in town existing already. So that's something they're proposing and I've made a note on that. R1, if you're going to do true low density, then you don't want to have any multifamily. So under conditional I x-out that double family, and then the area requirement I placed at seventy five hundred (7500), which is still a pretty small lot. Mayor Thomson comment that would be ninety by one hundred and ten (90 by 110). Councilperson Benglan comment still pretty small lot, ninety by one hundred and ten (90 by 110) is ninety nine squarer feet. Mayor Thomson comment keep in mind the average home is grown from fourteen hundred (1400) square foot, for a three bedroom family home to forty four hundred (4400) square feet for the same type of room. Makes sense that the lots going to be bigger accordingly. Councilperson Benglan continues keep so in mind our designation of medium density and high density. So under our R2 they're proposing single double multifamily up to four (4) units as allowed and in my notes, I'm okay with that. Conditional use, they are allowing up to six (6) units. I prefer not in our existing neighborhoods to allow six (6) unit

apartment buildings, because they're large, and they don't really fit in with a neighborhood. Whereas you could design a duplex to do that and if we want to allow up to six (6) units, I would say just do that in the R3 zone, which is a high density zone. Mayor Thomson comment which back to our conversation this really targets what's platted in Lava as medium and high density because, that's the only zoning we have. Councilperson Benglan continues the R3 designation is most of what hasn't been constructed on is that R3 corridor going out towards the golf. Councilperson Knutson comment as our population grows and there's pressure right now on housing. How does creating R1 housing, address affordable housing. How does that help that situation? Councilperson Benglan comment in this case, it doesn't it. Councilperson Knutson comment it doesn't. Councilperson Benglan comment well, I mean, if someone's taking, say up by the water tower, there's like fifteen (15) acres or so up there and they're proposing custom homes up there, R1 homes. If they want to go in and build thirty (30) houses on seventy five hundred (7500) square foot lots. Mayor Thomson comment we have a development west of town here that actually the original plat showed all three (3) but the lot size are such nature now, you're looking at a R1 type density. It doesn't preclude affordable housing, it allows for areas. Councilperson Knutson comment where we currently don't have that designation. We want to restrict as the city grows multifamily and higher density housing by creating R1 housing that's low density and is that the direction we want to go? Mayor Thompson comment I don't know. Councilperson Benglan comment this is a zone they're creating. It's on the books, but we're not designating any land that way. Mayor Thomson comment most developments that I've seen in the past address all three (3), this areas are R1, this areas is R2 and this areas is R3, all within that development area. Councilperson Benglan comment yeah, and just too kind of put in perspective, how big seventy five hundred (7500) square foot is, its point one seven (.17) acres. It's not even a quarter acre. I mean, that's, it's in between one tenth and two tenth of an acre. So really, I mean, it's not even really low density. I mean, that's still really small lots because my lot up here on my brick house is just shy of ten thousand (10,000) square feet and it's not a very big lot. Discussion followed on size of lots in the city. Councilperson Knutson comment that would prevent a mother-in-law apartment or an ADU (an additional dwelling unit) on your land and it would prevent anyone from coming into a piece of property like that of seventy five hundred (7500) square feet, and building a duplex. You know, if you're a senior citizen it might be a good idea, you know, as you age to be able to have someone you know, that you can share your maintenance chores with, it's renting from you in your little ADU or provides you a little security. Mayor Thomson comments I certainly wouldn't build that's four thousand (4000) square feet on half an acre, I had to mow. I go build someplace where I can buy a condo, that's a personal

choice. There's people that don't want that issue either. They don't want a duplex next door, they don't want an apartment complex next door. Basically an exclusive and they should have their zone as well. It doesn't preclude that you can't go down the street and have it in a different zone are. Councilperson Benglan comment to address your concern or question is, R1 zone will only be created if we're approached by developer to do it because, we don't have any land we're going to go so zoned R1. If someone's going to be an R1 designation, that's because someone's approaching us and they have twelve (12) acres on the edge of town and I want to build single family dwellings here and nothing else. So the request would be that the city that we zone it R1. Councilperson Knutson comment so what I understood to start with was, if we went towards a set of ordinances that we liked outside the current city limits that as we incorporate the land into the city, we have those ordinances on the book, and we can redesign what we have within the city and I think R1 is going in the wrong direction, quite frankly. Councilperson Benglan comment why is that? Mayor Thomson comments you can make the same argument for R3. It's just as ludicrous as it is to zone for R1. Councilperson Knutson comment in R3 you can build single houses, duplexes and you can build multifamily. Mayor Thomson comment I can, but I do not know of a development anywhere and I'm not just talking about lava hot springs, but anywhere that addresses only one density of units. They all address, usually all three (3) and if I remember Mark Lowe's original plat map, he has R3 apartments over on that West edge at one time. He has R1 down on the river, what he calls view lot's, he has all three (3) within that development. That's typically what you see, you'll see a mixture of all three (3) different kinds, and you just don't have them mixed together. Councilperson Knutson comment actually it's mandated now in in modern ordinances. What's happening is people are designating a mixture of affordable and profitable housing. As part of the zoning, as part of the ordinance structure. If you're going to come in and develop something, you have to a certain percentage of that development that's available for you know, this less expensive, affordable. Mayor Thomson comment we're saying the same thing. I'm just saying that you are not forced to mix them in the same portion of that development. Councilperson Knutson comment well you are. That's what I'm saying is in fact that there's a move towards eliminating our R1 housing altogether because of this problem. Mayor Thomson comment I moved out of a large city for a reason and that was one of them. I don't want to live with ten (10) neighbors on both sides of me, I should have that choice as much as I do to live in a in a complex with neighbors on both sides. Councilperson Frandsen comment seventy five hundred (7500) square foot is not that big. Councilperson Knutson comment it's not the size, it's when you start saying you can't build a duplex on your seventy five hundred (7500) square feet. Councilperson Frandsen comment the original

one was a conditional use, and which you have to get approval from your neighbors. Councilperson Knutson comment when addressing the issue of affordable housing and the availability of housing, increasingly what they're going towards is as radical as eliminating R1 but certainly rather than having like duplexes being conditional, as having those being just a right of use, where you don't even have to go through but you know, that's kind of the direction that zoning and ordinances is going. There's a reason for that. The reason is that housing is becoming less available, and more expensive. I think we've got a problem right now, with housing being available, it's just getting so expensive to build. That if you restrict what people can build, which is never a great idea, we want to regulate as little as possible. But if you restrict things so that you prevent affordable housing, and you create barriers to a little more density and effective land use, that's an old reality. Councilperson Frandsen comment this ordinance doesn't really restrict or say what is what is just saying this is what an R1 is, a description of a R1, R2 and then later if we get more land. Councilperson Knutson comment in our ordinances we already have duplexes as allowable in R1 housing. Councilperson Frandsen comment we don't have any R1 in the city of Lava right now. Councilperson Knutson comment we may not have it, but we have a description of R1 housing in our ordinances, do we not? Councilperson Frandsen comment no we never had it. That's why we created that one. Councilperson Knutson comment oh, I must have been looking at the proposal, or something. Councilperson Benglan comment the way I see a scenario is this R1, R2 and R3 are tools that we can use to address the issues that you're talking about. So imagine a scenario where a developer comes to the city and says, okay, I'm buying fifteen (15) acres just on the city limits, I want to annexed into town and I'd like it zoned R1 because I want to do all single family residence. Well, we as a city council, we can say we'll let you zone seventy five (75) percent of it, R1 and twenty five (25) percent of it, R2. Mayor Thomson comment that's where your plan unit development comes into effect. Councilperson Benglan continues or twenty five (25) of it R3 because now we have these tools. I can see scenarios where maybe you have a couple blocks where you only have single family dwellings, because people want that. There's a market for that and then say in the fifteen (15) acre development, we say okay, we want some apartments or we want some duplexes, we want some townhomes. So we're going to allow seventy five (75) percent of an R1, twenty five (25) of it R2 and that's what will allow because we as a legislative body, we decide what the zoning going to be not the developer and so that way you can you can attract all those different markets and meet our needs as a community but having a R1 gives us more tools to be able to draw developers here. Mayor Thomson comment I keep going back to the original plat and I don't know how it's changed now, you do because you're more familiar with it but the original plat that

Mark Lowe brought in had a density of fifty eight (58) homes, or fifty eight (58) living units and there were areas down along the river that were all view lots that were larger, as you come up towards the road it got smaller lot sizes and then over to the west. There was actually like an apartment complex. So you had all three (3) versions in one (1) development of eighteen (18) acres out there or eleven (11) or whatever it was. Eleven (11) acres I think. That's typically what I've seen is you'll usually have, but you know, what this points out is we have the designations and then as a planned unit development, we will designate which percentage needs to be which percentage. Councilperson Benglan reviews map with council Mark Lowe subdivision, all of these houses are all single family, they're one third (1.3) to one half (1.5) of an acre, one, you can only build one single family home on them. This lot here, is zoned for sixteen (16) units, which is high density. He could do twin homes, townhomes, apartment building, whatever. So in this same scenario, if we were zoning it, this would be R1 and we'd zone that R3, as part of as part of a proposal. Councilperson Knutson ask if you have a reason to do that. What if the developer doesn't want to have a R3? Councilperson Benglan comment well, that's not their call. That's our call as legislature. Councilperson Knutson comment what allows us to require someone to have R3, our desire to have some affordable housing? Councilperson Benglan comment yeah, same thing as what you're talking about where the direction of zoning is going. The same thing that allows them to require that developers is the same thing that the city can require them to do that? Councilperson Knutson comment they actually have in several states, Oregon, California, Washington, they have laws, state laws, that now that now mandate that in these PUD's that are going in, even what the percentages are. They have, historically, in the thirty (30) years or so that these have been being built. Not that the ordinances are that old but were developers have tried to come in build mixed housing. They've been pretty unsuccessful at creating more affordable housing with that model. That's not the only technique in play for cities. Another major technique, and that's where I'm coming from is, is that you within the city limits, you sort of need to think about that as a finite resource. Who do you want living in the city? Do you want only people that can afford a half acre, single family home, or even a point zero seven (.07) acre, whatever it was that you were describing, you know a smaller home, you only want people be living in those in single family homes that's the direction. Councilperson Benglan comment I think what you're talking about is beyond the scope. I mean designing an important housing policy is beyond what we're talking about with zoning. Councilperson Knutson comment we used to have an affordable housing policy and it was run by private enterprise. So in Pocatello for instance, I had an apartment over a garage and it was sitting right on the alley and it was built prior to the zoning codes being written in the 50s and 60s in Pocatello

and I was able to put my stepfather in that unit and that was great for him or it could have been a reverse we could have been living there and have a family in the front unit. But those things could not exist in the current zoning environment. They couldn't exist in R1, R2 or R3 because of the setbacks and in the requirement for the density requirements, the lot size. Councilperson Benglan comment if we're wanting to start a discussion on affordable housing and auxiliary dwelling units, that's not even talked about in this. I don't disagree with you. Mayor Thomson comment I think Randy this does set the ground for all three (3), Inaudible – cross talking. Councilperson Knutson comment I agree and I'm not real enthused about creating more low density housing as parts of the city, I could see it out in the county. Inaudible – cross talking. Mayor Thomson comment the entire city of Lava is platted already and for instance, the only home that I know that fits the criteria of what we would think of single family unit is he had to buy five (5) lots to build his house on because the standard lot size and the standard requirement of fifty five hundred (5500) square feet right or seventy five (7500) square feet. He couldn't have put his house on there with a setback on it. So he ended up buying five (5) lots that's half a city block. That's more in light of, of what we're talking about on this R1 density and even that's well in excess of that seventy five (7500) square feet. I only know of two (2) homes in Lava like that. There may be three (3) or four (4). Councilperson Frandsen comment to put it in perspective, a lot where my house is right now. That would qualify for the seventy five (7500) square feet for R1. So it's not that big of a space that you're limited. Property area and size discussed. Councilperson Frandsen continues really the only question here is that we have for us right now is Randy is talking about is, should we allow conditional use for double family or not allow conditional use for double family in R1. That's the only question. The another thing I would say on Randy's plan here is on the conditional use, you have single double and multiple, I would just change that to conditional use for up to six (6) because for single double or multi up to four (4) is already allowed so conditional up to six (6). City Clerk Canda Dimick comment that in all R3, right. Councilperson Benglan comment yeah, I just copied that down and then I did conditional up to six (6). Mayor Thomson comment and then the square footage is our minimum square footage, correct. Inaudible – cross talking. Councilperson Benglan that's clarifying the difference between for rent and ownership, does that make sense? Because they want to open the door on townhouses, four (4) unit townhouses. So our R2 would be basically you would allow twin homes, R3 would allow four (4) unit townhouses and that would add density R2 & R3. Because right now in R2 you can't do twin homes or townhouses. Councilperson Knutson comment it's just you don't want multifamily in R2, you want to be able to zone that as R3. City Clerk Canda Dimick comment they can up under permitted use up to four (4) units.

Councilperson Knutson comment that's a conditional use. City Clerk comment no it's an allowed use even in R2. Councilperson Benglan comment the purpose of R3 is higher density and so the way it's written before R2 is actually higher density than R3, because in R2 before it allowed up to six (6) units and now we're putting the six (6) units in R3 and the four (4) units into R2 and that makes it more consistent with a low medium high density. Councilperson Frandsen continues it looks good. It's just a matter of if we feel the conditional to be allowed. Inaudible – cross talking. Councilperson Benglan comment I'm leaving but, I'll call in. City Clerk explains in the old ordinance there is not a R1 zone, only R2 & R3.

Councilperson Knutson comment so our ability to annex as people develop out of the county and get R1 housing built. Would we have an issue if we don't have R1 housing as a zone? Councilperson Frandsen comment it would be less attractive for a developer. Councilperson Knutson comment because these are pretty small lot's that exists in in City, that's a minimum size. Councilperson Frandsen comment because we're going with seventy five hundred (7500) square feet, which is a minimum lot size, which is pretty small in reality, compared to a lot of cities that have their R1 is much bigger lots. Probably twice the size of that. So it's still pretty small and it's really not that restrictive. Mayor Thomson comment if we go to annexing outside the city, let's just assume we go straight west and annex for the first half a mile or so there's going to be, I know of one home that's on three (3) acres and I know of one home on a half acre. You're going to get all kinds of scenario. Councilperson Benglan join meeting by zoom. Mayor Thomson continues I don't know that you'd restrict anybody out there already.

Councilperson Knutson comment but, we'd have to bring them in on under some sort of a zone, they're either R1, R2 or R3. Mayor Thomson comment it can be R3 and still have a three (3) acres lot. Councilperson Knutson comment so the only thing is, is that if the zoning allows for your neighbor to build a townhome, or a couple of townhomes. Then if we create an R1 zoning that doesn't allow duplexes, takes it out as a conditional use, as we bring that housing in, if we designate that R1, we just eliminate the ability to build and multiplexes in that zone.

Councilperson Frandsen comment what we can do in a development that a certain percentage. Councilperson Knutson comment that's a pretty typical answer in a development, that's right. Councilperson Frandsen comment so that a certain percentage can be R1 and then there has to be some percentage of R2 or R3.

Councilperson Knutson comment even in some places they designate the, the nature of the housing that has to be multifamily, under two hundred and fifty thousand (250,000.00) dollars. Mayor Thomson comment that's a personal choice when I move in here to retire I have for one, don't like mowing grass so, I'm not likely to have another half-acre lawn. I'd rather live in a condo situation. That's me, but the next guy may decide I want a little bit more buffer between me and my

neighbor and he may want an acre and I'll hire somebody to mow the grass. That's his choice. So he picks a zone that allows that. Discussion followed.

Councilperson Frandsen explains this is just definitions of what an R1. It's just a matter of are we going to let the double family be a conditional use or not. I think the rest of Randy's recommendations are right on. Mayor Thomson comment I think it ought to be just like it is, you know, if you're going to have a R1, that is uniquely R1, then it needs to be single family only. It may only be five (5), or ten (10) percent we can limit the amount of it but you need to have a definition for that because there's going to be a certain number there. Councilperson Frandsen comment there is going to be a clientele of people that want that and their going to pay more money. Mayor Thomson comment if stopped to look at the city of Lava Hot Springs that has no R1 designation now, and take a look at what homes are built here, ninety (90) percent of homes are R1 to start with, built in a R2 or R3 zone. Councilperson Knutson ask so where's the problem. Why change there? Mayor Thomson comment there is no problem, so why create one. Councilperson Knutson comment why eliminate double family. Councilperson Frandsen comment it's only an attraction R1 for a developer to attract big money into helping to sell lots in the area. So he can provide for the people that want to pay big money for a section of the property. Councilperson Knutson comment I understand that, I think we are moving past the time, when we can accommodate that kind of stuff within, because we don't have those kind. Councilperson Frandsen comment if I was going to put a bunch of my money into development, that I thought was going to be a certain way, and all of a sudden it become high density next to me, I would be upset. Councilperson Benglan comment this discussion on R1, R2 & R3 say a developer comes in and wants to develop ten (10) acres and we say okay, we're going to require you to zone twenty five (25) R3, the problem with it and this discussion we're having that doesn't force them to build R3. So that's not really affordable housing policy, affordable housing policies beyond the discussion on zoning because if we say, okay you have to zone this R3, they could still build seventy five hundred (7500) square foot lots, there R3 allows for seventy five hundred (7500) square foot lots. So even if we said seventy five (75) R1, twenty five (25) percent is R3 that doesn't force them to build any affordable housing. An affordable housing policy is beyond a zoning discussion. Does that make sense? Councilperson Knutson comment it's beyond the zoning discussion, as long as you don't create a set of ordinances that prevent people from coming in later who say ADU & JAU who want to build those things, and you have an R1 designation that prevents it. That's the problem. I mean, I honestly think that if there's going to be development, that it's going to come from people, who want to add a unit, put in a mother-in-law apartment or something like that, that's going to be how we're going to get more multifamily housing, it's not going

to be through guided development, just for the reasons that he brought out. So my concern is, is that we create barriers to people later, or at some point being able to create denser housing on their property. Which is how I read this double family. If I decide that I want to put in, you know, convert my single family home to a townhome, put in another unit on that property, can I do that and R1. City Clerk comment go for a zoning change. Councilperson Knutson comment that's the problem, once you've created that zone I've got to get a variance. City Clerk explains there's a process you can go for, a zone change. A zone map amendment and zone change. City Clerk explains a conditional use, it doesn't mean they can't do it. A conditional use means there's a public hearing process, all property owners are notified around them, those property owners have to show proof or provide some designation of as far as property damages, like they could provide screens to go up, like a roll of trees, a fence or those type of things to be required for that conditional use to be permitted. So the use will be permitted with condition and they would have to go through a public hearing but that use would have the ability to have conditions put on it. Councilperson Knutson comments it's not a right of use, currently, you don't have the right to construct a duplex without a hearing, it's a conditional thing and then your neighbors have to kind of sign off on that. City Clerk comment but that can't say they just don't want it and you don't get it. The neighbors could say I want some buffer there, I want to row a tree, I want to fence, I'm concerned about the additional traffic, I want the access somewhere else because of six different homes or cars or whatever the impact of the vehicles going in by my place. That's the purpose of that whole thing is to address those concerns. Discussion followed. Councilperson Benglan comments I feel that we need to provide zones to address the need for housing, high density housing, provided zone for medium density housing, and provide a zone for low density housing. Just because we zone say a two (2) acre piece of property as R1, it doesn't mean that we can't that we can't sell it somewhere else as R2 or R3. There are certain people that that would like to have a neighborhood where there aren't any multifamily on it and five hundred (7500) square feet is not really low density. That's still pretty dense, that more like medium density but, every piece of property in town doesn't have to be allowed to have multifamily. The majority of town right now is single family houses. People could build duplexes, and 4-plexes in the majority of town right now, so we don't have a shortage of zoning for duplexes, and 4-plexes. I wouldn't necessarily be a proponent of expanding R1 all over all around it. That's not what I'm a proponent of. I'm just saying it's nice to have that tool to where we could create certain areas where just single family home consistent with a neighborhood, and then we can do R2 & R3 as well. I'm not promoting that we just get rid of duplexes and triplexes and 4-plexes all together, because we have this option for certain areas that we could do an R1. If it's

something that we need to discuss more, we don't necessarily have to pass that as part of the zoning update. Mayor Thomson comment my whole point is if I go in here and put R1 and say, I'm allowing twin homes and stuff in R1, why have it at all? I'll just defined it as R2. Discussion followed. Councilperson Benglan comments I think, if we're going to do to R1, we do it straight R1 or don't do it at all. Straight R1 is only single family. Discussion followed. Councilperson Knutson address concerns with affordable housing challenge. Councilperson Benglan agreed. Discussion followed. Mayor Thomson comment I think the only real reason R1 was put in here was because we didn't have it our one definition. Not that the city is pushing for R1. It just we didn't have that definition to start with. All this is doing is adding a definition, it doesn't require that we designate new development as strictly R1 or R3. Councilperson Frandsen responds the only thing it does is it has a restrictive version of what R1 is. Discussion followed. Councilperson Frandsen comment Randy's recommendations on R2 & R3, I think that's what we should go with. Councilperson Benglan comment if we're in agreement with R2 & R3, how do we want to handle R1? Do we want to discuss it more because there's nothing zoned that way right now. I understand the reasoning why P&Z did that just because it has a low density and we have a medium and a high. Do we just want to table R1 for a future draft? Councilperson Knutson ask would you mind if we did that. Councilperson Benglan respond I'm just asking for input. The thing is, like I said before, if a developer comes in and wants to five hundred (7500) square feet lots and that's all they want to build, any two (2) of any of those zones will allow them to do that, R2 & R3 will allow them to do that. As far as promoting affordable housing and things like that, we need a different policy or different ordinance for that. That require a lot more research and understanding of what others are doing, regardless of R1. R1 is kind of dominated our conversation, but in my mind, it doesn't exist right now. I'm fine with having it as written without the duplex on there, or just shelving it until we do a do a new ordinance after we do our comprehensive plan, but I do think the R2 & R3 what's been done there, I think those are smart things to do adjustments that we should move forward with on this draft. That's my feeling. Discussion followed. Councilperson Benglan asked Rickey what his feeling is on R1. Councilperson Frandsen responds I'm okay with having it either way. I mean, I can understand why you would want just a single family dwelling. Councilperson Benglan if the hang up is to have or have not that conditional use as a double family dwelling. I'm okay with putting that in there as a conditional use but that goes back to kind of what the mayor was saying it becomes pretty similar to R2. I mean, there is a little bit of difference. You can't go all the way up to four (4), you have a little bit bigger lot. That's fine with me if it's okay with everybody else.

Councilperson Knutson comment the difference between R1 and R2 is that those are single, double and four (4) unit construction is a right of use. It's not conditional in R2. In R1 a double family construction is something that is conditional and requires a great deal more oversight. Councilperson Benglan comment I would be in favor of that conditional use for double family, just for the reason that if you have a neighborhood that's been built, it's brand new. We want to protect the integrity of the neighborhood with conditions whether that is a setback, a design element or a quality of construction. It's not that we're saying you can't do it, it's just you can do it for these certain condition. The main reason is protect the integrity of the neighborhood and those that have invested in a single family neighborhood. City Clerk responds that's what the zones does. Mayor Thomson ask how does our R2 play in when you say you can have multifamily to four (4) units but then the conditional is two (2) unit townhouse or twin home. That doesn't sound like four (4) to me. City Clerk explains the difference. Mayor Thomson comments I understand the difference between the two but I don't understand the difference between allowed and conditional I guess. If I'm allowed to have six (6) unit and my conditional is two (2) unit townhouse or twin home. How do I get four (4) units out of that? City Clerk responds the four (4) units probably needs to say a four (4) unit apartment. Mayor Thomson respond yeah, your conditional should be able to allow up to four (4). Discussion followed. Mayor Thomson questioned Randy on his intent, was R2 to go to four (4) instead of six (6) and then R3 to go to six (6). Councilperson Benglan respond yes, and the one thing I wanted to bring up with the council is I don't know if we want to allow at six (6) bank townhome because it contradicts the way our town lays out right now the character of our town. Going to a six (6) bank townhome project is quite a bit different than what we're used to and it would stand out oddly in the neighborhood, I think, but that that's up to the council. I would say you max say you max out townhomes on four (4) bank unit, it doesn't mean that I can't do four (4), four (4) and four (4) but then it just blends better with our existing. Mayor Thomson ask to get to the six (6) units it has to be an apartment. Councilperson Benglan respond yes, exactly. Mayor Thomson comments and I think the same thing in the R2 to get to four (4) units it needs to be an apartment, the townhouse and the twin home's limited to two and then you go to R3 that's limited to four. Councilperson Benglan respond yes and to be honest, I would be okay with the four (4) townhome in R2 but it would be under a condition. Like I said, we make sure it blends in with the neighborhood. In R2 I think I have it as a two (2) but I would be okay with four (4) if council is okay with a four (4) as long as its conditional use. Mayor Thomson comments if we just leave the double family in R1, we're set to go. Councilperson Benglan respond yes, as far as the multi-unit pieces in R1 you do

conditional on duplex, R2 you would do up to four (4) apartments by right and then conditional would be four (4) unit townhouse and a twin home and then under R3 you would have six (6) unit apartment, four (4) unit townhomes, twin homes all under conditional use. Does that sound right? Council agreed, sounds good. Discussion followed. Councilperson Frandsen comments I think we all agree with Randy's changes.

Councilperson Frandsen comments under frontage I think all we need to second line which says "or between a streets in a right-away", need to put "or between a street and right-away". Discussion followed.

Councilperson Frandsen comments then the official grade. City Clerk comments they're still researching. I honestly feel like the four (4) centers that we've been doing worked but, I don't know. Mayor Thomson comments the four (4) centers and the four (4) corners works out fine. Discussion followed. Councilperson Frandsen suggest writing up something with the four (4) centers like what we've been doing and have them put that in. Councilperson Frandsen ask what do they have in there now. Discussion followed. City Clerk explains it's C on page 14 how we've been doing it. Mayor Thomson explains to Craig what caused the problem was the old ordinance basically says the height restriction is from average grade. Then the question becomes how you determine average grade. Discussion followed. Councilperson Frandsen comment C sounds good lets go this it.

Councilperson Frandsen comment another recommendation I was thinking about is on page 33 for exterior stairs the have three (3) foot wide I think we should allow for four (4) foot wide. Mayor Thomson asked for explanation. Councilperson Frandsen explain stairs run down and are allowed to come out three (3) feet from the side of the house. Which is going over the setback. I think we should allow four (4) feet. Mayor Thomson comments I don't have a problem with the four (4) feet I guess the problem I have, is are you extending into the setback or does it have to be in within the setback. Councilperson Frandsen responds over into the setback but, it's just the stairs not the building. If we are going to allow a set of stairs I think it should be four (4) foot wide. Mayor Thomson ask do we now allow three (3) foot of stairs to set out over the setback. Councilperson Frandsen responds yes. Mayor Thomson comments I having a hard time with allowing three (3) foot of anything sticking out past the set back. City Clerk comments this says three (3) in the front yard and six (6) in the rear yard. Discussion followed. Mayor Thomson clarified the recommendation two (2) feet on the overhang and up to four (4) feet on the stairs. Councilperson Frandsen respond yes. Discussion. Mayor Thomson comment I don't understand why the back stairs can be bigger

than the front steps, maybe we should think about having them the same if we are going to do four (4) foot. Discussion followed. Mayor Thomson comment the rear setback from an alley is twenty (20) foot from the center of the alley i.e., ten (10) foot from your property line. So you take up six (6) foot of that with stairs. Now your space is four (4) feet and when the city goes with a snowplow, is it going to grab the step? Whereas the front step is twenty (20) foot setback from your curb line or your property line and four (4) still gives me sixteen (16) feet to deal with. I don't care how it looks. I'm thinking about moving equipment up and down the alley. We have very narrow alleys. Discussion followed. Councilperson Frandsen comments I have no objections on having the four (4) feet front.

Councilperson Frandsen comments Canda wanted us to look at section C on page thirty three (33). City Clerk comment I don't know what four (4) foot in height, if they determine that the sign. I think sign needs to be out of there. What is that? Councilperson Frandsen respond sign is just the same structure. Sign is just a word that determines the view through the fence. We could change the word sign. Councilperson Benglan comments you can go up to four (4) feet if you can see through it, but otherwise it's three (3). Discussion followed. Council suggested changing sign to sight.

Councilperson Benglan questioned page thirty five (35), section eight (8), letter A, on off street parking and loading requirements. I'm not sure that first sentence is a complete sentence or not. I'm not pulling out of that. I think those two sentences are supposed to be one sentence. Discussion followed. Council determined the period should be a comma.

Councilperson Frandsen addressed a note from before on page 38, section 15. The note is we need to look at because this is it is more than the normal ten (10) percent rate. Did that get addressed? Are we okay with this? I guess it goes back to planning and zoning to address our note. Councilperson Benglan question is this requiring food trucks with casual sitting area, say for ten (10) people then that would require one (1) parking stall. Councilperson Knutson ask what's the capacity of the outdoor area of a food truck. Discussion followed. City Clerk comments might need to look at this more, see number seven (7) on page thirty seven (37). Discussion followed. City Clerk explains this is her note and she feels like the difference of thirty (30) percent and ten (10) percent needs to be addressed. Discussion followed. Council agreed it needs to be put at ten (10) percent.

Councilperson Frandsen comment there was a note we had before on group daycare on page forty two (42), section H, number one (1). We had a note that it

needs to be five (5). Councilperson Benglan comments should that be moved to definition. Councilperson Guthrie explains the State of Idaho has a formula based on age of children. Discussion followed. Councilperson Frandsen comment needs to be the same as the description under child nursery, up to five (5) in definition.

City Clerk announced she will make changes to document and email to council for them to confirm the changes.

Councilperson Frandsen made a motion to send back to P&Z (**Planning and Zoning commission**) with the recommendations. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

2. Forrest Design Contract Amendment for 2020 Marketing Plan – ACTION ITEM: Mayor Thomson reported we do not have an update to the contract from Forrest Design my recommendation is to table until next meeting.

Councilperson Guthrie made a motion to table the Forrest Design contract amendment until next meeting on March 11. Councilperson Knutson seconded the motion. All voted aye, unanimous.

3. Lava Hot Springs Planning & Zoning Commission:

A) Statement of Facts, Findings, Recommendation & Decision regarding required front yard setback variance of Afton Diane Beckstead, 163 South 5th West - ACTION ITEM: Mayor Thomson explained in the council packet there are facts and findings from to P&Z (**Planning and Zoning commission**) meeting Monday night regarding the setback variance from Diane Beckstead. Basically what happened, we've already went through the variance. What she had done was failed to notify all the people within the 300 foot zone and so they had to review that. The packet contains the statement of facts and the second set is the variance statement of facts where they issued the variance in the first place. With that in mind they approved it. Now it a matter of accepting their facts and findings and issuing a certificate of occupancy on the next item.

Councilperson Frandsen made a motion to approve the recommendations from the planning and zoning to approve the variance for Diane Beckstead. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

4. Certificate of Occupancy:

A) Yvette Cadeaux, 527 West Booth Street – Stick built residence – ACTION ITEM: Mayor Thomson comments explains the process and why council is

approving certificate of occupancy and the State Inspector responsibility. The City Code Enforcer responsibility is to make sure the build is per the City ordinance, i.e. setbacks, height and so on. Then make the recommendation to us to approve the certificate based upon the Code Enforcer verifying that all things were consistent with the initial building permit. Basically, what we have here is two (2) certificates of occupancy. One of them having to do with the Diane Beckstead ruling that we just approved from the planning and zoning. The second one is you Yvette Cadeaux and that's up there at the end of Fifth Street and Booth where we had to do some splitting of lots in order to establish proper setback. She took five (5) foot from one lot had it reassigned to the other lot giving her the ten (10) foot setback and now being able to abide by the setback and getting a certificate of occupancy for that new home.

Councilperson Frandsen made a motion to approve Yvette Cadeaux certificates of occupancy. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Afton Diane Beckstead – 163 South 5th West – Manufactured home with attached garage and covered front porch/awning – ACTION ITEM:

Councilperson Frandsen made a motion to accept the certificates of occupancy for Diane Beckstead. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson announced he has one other issue. It's not on the agenda, but I'd like to bring it in front of the council before we adjourn. We had a COVID case occurred within our ranks. Lindsay's husband tested positive yesterday morning. I sent her home yesterday afternoon with the request that she be tested strictly, to know whether or not to quarantine the folks that she had worked with within the city building. She tested negative. However she's pulled her children out of school. They are under a seven (7) day quarantine as is she under a seven (7) day quarantine after being exposed to her husband. I as her acting supervisor mayor put her on leave without pay. Now I want to read to you, this is from the employee handbook. Basically says upon application the city council may grant an employee leave of absence without pay for military services, voluntary fixed term service to the government, religious or humanitarian institutional continued education, prolonged illness or political activity in each case, except conscripted military service the term of such leave shall be stipulated after which the employee must serve a written notice to apply for reinstatement except for a leave of less than ninety (90) days and the position will not be held open for the individual. After the request the reinstatements received employee shall be reinstated in the first

position of similar classification and pay as the position vacated. City of lava hot springs will comply with all State and Federal provisions concerning military leave. The first step was I asked Canda to review and send me copies of what the State local policy was on this COVID relief which is kind of ended in December. She doesn't have a lot of extension for sick leave. There is a caveat out there that extends the unemployment benefits, which she's not under that caveat and it doesn't apply. I don't know whether or not we apply this as medical attention requirement. Obviously, she's been told it and her family is under the seven (7) day quarantine. Her situation is she had been here long enough that she has adequate sick leave or vacation or, or benefits to cover that. I took this upon myself, but in my mind as your supervisor or manager I told her you will just be on leave without pay. This was brought to my attention that I can't really do that, which I don't understand, without council approval. Tony has, by the way, offered to donate some of his excess sick leave, which again, I would request the council for approval, I'm not going to make that call. I don't know if that's even legal. Councilperson Benglan ask is that allowed, is that legal? Councilperson Frandsen comments in the State of Idaho it is. The state of Idaho has a sick leave bank and you can donate any sick leave to people that need it. Also the State because of COVID deal, they also extended sick leave to fourteen (14) days for all state employees. If they didn't have sick leave, they were allowed for 14 days because of this COVID. Mayor Comments that's what expired in December. So I wanted to bring that up in front of the Council. Councilperson Frandsen comments I think the next best scenario then is if Tony's willing to donate some sick days. I think we should allow that. Councilperson Guthrie comments her seven days, which started yesterday, so she'll have two days which is weekend. Mayor Thomson comment that's another point of contention is I don't know, I mean, her husband started getting sick over the weekend, but he didn't actually get tested positive until Thursday. So I don't know when the start date is for the quarantine was supposed to be at exposure, but define exposure, you know, so the family is under quarantine, there's no doubt about that. I suspect for the safety of everybody concerned and I need to keep her on quarantine until till the seven (7) days expires, and she tests negative a second time, then she's allowed back to work. Now I've made that judgment call based upon my ability as her manager to sign time cards and sign vacation and sick leave, I didn't realize that I had to have council approval for leave without pay because the thing in my mind, guys is if she's not authorized leave without pay, then she's absent period and that's a violation of a greater magnitude than being leave without pay. So I wanted to be able to cover her, justifiably for not being at work and so that's the reason I went that way. Now I'm presenting it to council for approval and we will continue to monitor that and do what we can do to get home better and hope her family gets better and we don't run

rampant. She called today and she said that one of her daughters were starting to feel sick. Councilperson Knutson ask she has no sick leave. City Clerk Canda Dimick explained she used every bit of her leave and vacation. She's had a day of sick leave a month, and she's been here a year, she has used every one of those days. She got five days of vacation and she's used them. We don't have long term or short term disability. City Clerk explains she has payroll tomorrow and she needs to report something. Mayor Thomson comments as far as I'm concerned I think it should be under the umbrella of medical. City Clerk Canda Dimick ask what if she positive on the next test. Are we going to continue to let Tony give her time? This could possibly not be a short term situation and I'm wondering if she accumulates sick leave and vacation time from Tony time. Council comments no. Mayor Thomson comments basically per the policy you can't receive vacation or sick leave while you are off on leave without pay. Tony talked to me this afternoon. He said that he would be willing to give up some of it but, he's not going to continue to carry her for a long period of time. We're making the assumption that if things go well, and they go through the seven (7) quarantine and come back work, then we're good to go.

Councilperson Frandsen made a motion to accept Mayor Thomson direction on how she can take time off because of COVID and that we also allow Tony's sick leave to be used to help her out with us as much as he's willing or allowed to give and that she doesn't accumulate time for the sick leave because she's using Tony's sick leave. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Thomson explains I went on the assumption that since I approve her time card and vacation that I had the ability to do that. It was brought to my attention that I don't be by virtue of the employee handbook. It takes council confirmation.

Motion to adjourn - ACTION ITEM: Councilperson Guthrie made a motion to adjourn. Councilperson Knutson seconded the motion. All voted aye, unanimous.

Meeting adjourned at 7:30

Amantha Sierra, Transcriber

Jon Thomson, Mayor

Canda L. Dimick, City Clerk